

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-500

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 23, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Historic Landmark and Historic District Protection Act of 1978 to establish a program of grants to assist low- and moderate-income homeowners with qualified rehabilitation expenditures on a historic home, and to allow funds to be used for reasonable costs of administration, and to amend, on an emergency basis, section 47-1806.08 of the District of Columbia Code to repeal existing historic housing tax credits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Targeted Historic Preservation Assistance Congressional Review Emergency Amendment Act of 2006".

Sec. 2. The Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), is amended as follows:

*Note,
§ 6-1102*

(a) Section 3 (D.C. Official Code § 6-1102) is amended by adding a new subsection (a-1) to read as follows:

"(a-1)(1) "Area median income" means:

"(A) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

"(B) For a household of 3 persons, 90% of the area median income for a household of 4 persons;

"(C) For a household of 2 persons, 80% of the area median income for a household of 4 persons;

"(D) For a household of one person, 70% of the area median income for a household of 4 persons; and

"(E) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons;

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"(2) Any percentage referenced in paragraph (1) of this subsection shall be determined through a direct mathematical calculation not taking into account any adjustments made by the U.S. Department of Housing and Urban Development for the purposes of the programs it administers."

(b) Section 11 (D.C. Official Code § 6-1110) is amended by adding a new subsection (d) to read as follows:

Note,
§ 6-1110

"(d) An appeal of any enforcement action brought by the Historic Preservation Office shall be heard by the Office of Administrative Hearings."

(c) A new section 11b is added to read as follows:

"Section 11b. Targeted Homeowner Grant Program.

"(a) The Mayor may use authorized funds to establish a targeted homeowner grant program to assist homeowners with the rehabilitation of their historic property.

"(b) A grant under this program may be used to rehabilitate a structure that contributes to the character of one of the following historic districts:

- "(1) Anacostia Historic District;
- "(2) Blagden Alley/Naylor Court Historic District;
- "(3) Capitol Hill Historic District;
- "(4) Greater Fourteenth Street Historic District;
- "(5) Greater U Street Historic District;
- "(6) LeDroit Park Historic District;
- "(7) Mount Pleasant Historic District;
- "(8) Mount Vernon Square Historic District;
- "(9) Mount Vernon Triangle Historic District;
- "(10) Shaw Historic District;
- "(11) Strivers' Section Historic District; or
- "(12) Takoma Park Historic District.

"(c) A grant shall be limited to structural repairs or work on the exterior of a qualified structure;

"(d) A grant shall not exceed \$25,000; except, that a grant may be a maximum of \$35,000 if the structure is located in the Anacostia Historic District.

"(e)(1) A grant may be made to a taxpayer, as defined in D.C. Official Code section 47-1801.04(7), who has a household income of 120% or less of the area median income; provided, that:

"(A) The grant is for rehabilitation of the taxpayer's principal place of residence or a structure that will be the taxpayer's principal place of residence within 60 days after the rehabilitation is completed;

"(B) The taxpayer submits an application showing that the taxpayer meets the applicable household income criteria and is listed on the Office of Tax and Revenue's records as currently receiving the homestead deduction for property taxes, and includes written

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consent from each person in the applicant's household to disclosure by Office of Tax and Revenue to the Historic Preservation Office of his or her gross income; which disclosure shall be used solely for consideration of grant applications under this section.

"(2) The Office of Tax and Revenue shall report the gross income of each of the persons in the taxpayer's household at the time the grant application is made pursuant to subparagraph (B) of paragraph (1) based upon the most recent income tax return of each person to the Historic Preservation Office prior to the award of a grant.

"(f) A taxpayer who has a household income of more than 60% but no more than 90% of area median income shall be required to match the grant by contributing a minimum of 25% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 15% for a taxpayer in the Anacostia Historic District.

"(g) A taxpayer who has a household income of more than 90% of area median income shall be required to match the grant by contributing a minimum of 50% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 40% for a taxpayer in the Anacostia Historic District.

"(h) The Mayor shall:

"(1) Approve the scope of rehabilitation work prior to award of a grant;

"(2) Ensure that all work is consistent with the purposes of this act and implementing regulations; and

"(3) Award grants and disburse grant funds pursuant to rules and procedures the Mayor shall establish for this purpose.

"(i)(1) The taxpayer shall enter into a preservation covenant with the State Historic Preservation Officer against the property on which the structure is located. The covenant shall run with the land and shall require that the rehabilitation improvements be maintained in good repair satisfactory to the State Historic Preservation Officer for 5 years after the date on which the grant is fully disbursed.

"(2) If the taxpayer does not maintain the certified rehabilitation improvements in good repair for any period of time covered by the covenant, the Mayor may take any enforcement action authorized under this act and may assess the amount of the grant as a tax on the property, and shall:

(A) Carry the tax on the regular tax rolls; and

(B) Collect the tax in the same manner as real property taxes are collected provided; that a lien shall not be valid as against any bona fide purchaser, or holder of a security interest, mechanic's lien, or other such creditor interested in the property, without notice, until notice by filing the lien in the Recorder of Deeds.

"(j)(1) An action may be brought in the name of the District at any time within 3 years after the expiration of 60 days from the date that the tax was assessed to recover the amount of the unpaid tax.

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"(2) A lien shall be satisfied by payment of the amount of the lien to the State Historic Preservation Officer.

"(k)(1) The Mayor shall deposit in the HLP Fund established in section 11a any funds appropriated for the purposes of the Targeted Homeowner Grant Program.

"(2) The Mayor may expend up to \$1.25 million of appropriated funds for this purpose each fiscal year, beginning from fiscal year 2006 through fiscal year 2010. Any appropriated funds not expended during a fiscal year shall be used only for the same purpose in subsequent fiscal years.

"(3) In each applicable fiscal year, the Mayor may expend up to 5% of the amount of the funds authorized in that year for reasonable administrative costs."

Sec. 3. Conforming amendment.

Section 6(b) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b)), is amended by adding a new paragraph (5) to read as follows:

Note,
§ 2-1831.03

"(5) All adjudicated enforcement cases brought by the Historic Preservation Office within the Office of Planning."

Sec. 4. Repealer.

Sections 47-1806.08, 47-1806.08a, 47-1806.08b, 47-1808.08c, 47-1808.08d, 47-1808.08e, 47-1808.08f, and 47-1808.08g of the District of Columbia Official Code are hereby repealed.

Note,
Repealed
47-1806.08,
47-1806.08a,
47-1806.08b,
47-1808.08c,
47-1808.08d,
47-1808.08e,
47-1808.08f,
47-1808.08g

Sec. 5. Applicability.

(a) The implementation of sections 2 and 3 of this act is subject to appropriations and nothing in this act shall be construed to create an entitlement.

(b) Section 4 of this act shall be applicable as of July 31, 2006.

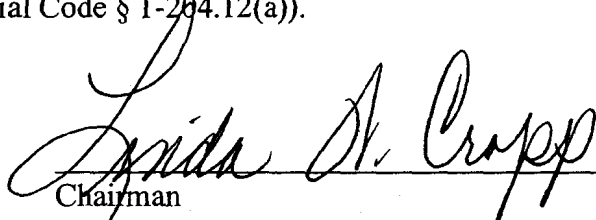
Sec. 6. Fiscal impact statement.

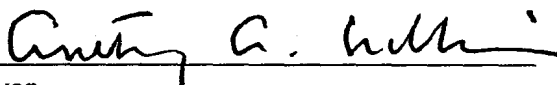
The Council adopts the fiscal impact statement in the committee report for the Targeted Historic Preservation Assistance Amendment Act of 2006, signed by the Mayor on July 31, 2006 (D. C. Act 16-473; 53 DCR 6786), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 23, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-501

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 23, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Confirmation Act of 1978 to clarify the period for Council review of nominations to the Commission on African Affairs; and to amend the Commission on African Affairs Act of 2006 to abolish the Mayor's Advisory Commission on African Community Affairs as of the date that the majority of the members of the Commission on African Affairs are sworn, or December 31, 2006, whichever occurs first, and to provide for the transfer of all records of the Mayor's Advisory Commission on African Community Affairs to the Commission on African Affairs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office and Commission on African Affairs Clarification Emergency Amendment Act of 2006".

Sec. 2. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

*Note,
§ 1-523.01*

(1) Paragraph (43) is amended by striking the word "and" at the end.

(2) Paragraph (44) is amended by striking the period and adding the phrase "and" in its place.

(3) A new paragraph (45) is added to read as follows:

"(45) The Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393)."

Sec. 3. The Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1391 *et seq.*), is amended by adding a new section 6a to read as follows:

"Sec. 6a. Transition provisions.

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“(a) The Mayor’s Advisory Commission on African Community Affairs, established pursuant to Mayor’s Order 2003-114, dated August 11, 2003, shall be abolished as of the earlier of the following dates:

“(1) The date that a majority of the 15 public members of the Commission on African Affairs are sworn in; or

“(2) December 31, 2006.

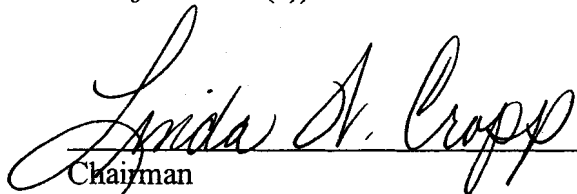
“(b) All records of the Mayor’s Advisory Commission on African Community Affairs, established pursuant to Mayor’s Order 2003-114, dated August 11, 2003, shall be transferred to the Commission on African Affairs, as of the date established in subsection (a) of this section.”.

Sec. 4. Fiscal impact statement.

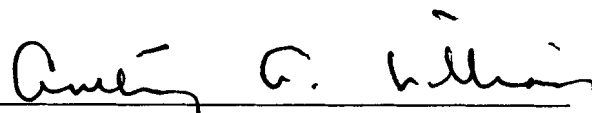
The Council adopts the fiscal impact statement in the committee report for the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1391 *et seq.*), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 23, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-502

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
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Publisher

To provide District government indemnification for the owners of Crispus Attucks Park, located at 77 U Street Rear, N.W., in Lot 0046, Square 3117 in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Crispus Attucks Park Indemnification Act of 2006".

Sec. 2. Crispus Attucks Park indemnification.

(a) Except as otherwise provided in this section, the District of Columbia shall indemnify the Crispus Attucks Development Corporation ("CADC") from and against any and all claims, demands, expenses, and liability arising from an occurrence in the real property known as Crispus Attucks Park, located at 77 U Street Rear, N.W., Washington, D.C., Lot 0046 in Square 3117, for which the CADC, as the owner of the park at the time of the occurrence, otherwise would be liable and for as long as the park is used for the public purposes and activities of the CADC and is not used for commercial purposes.

(b) The District shall not indemnify CADC for:

(1) Any claim, demand, expense, or liability as to which CADC has been adjudged to be liable for fraudulent, willful, or wanton conduct or misconduct, or gross negligence, or with respect to any criminal action or proceeding; or

(2) Damages in excess of actual economic loss.

(c) This act shall be subject to the availability of appropriations.

(d) The failure to appropriate funds for, or otherwise authorize, the indemnification obligation shall not be construed as creating a District government default or a basis for a claim for breach of contract against the government.

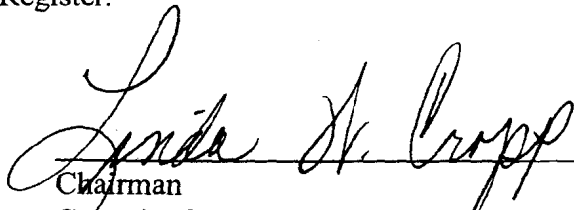
Sec. 3. Fiscal impact statement.

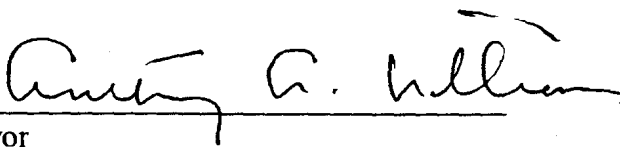
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 24, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-503

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 25, 2006

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To establish within the Office of the Attorney General a loan assistance repayment program to encourage law students and lawyers to practice in poverty areas of the law, and to ensure access to the justice system for the impoverished and underserved citizens of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Adjusted gross annual income" shall have the same meaning as provided in D.C. Official Code § 47-1803.02(b).

(2) "Administrator" means the person appointed to administer the Program.

(3) "Applicant" means an individual who applies for assistance from the Program.

(4) "Attorney General" means the Attorney General of the District of Columbia.

(5) "Eligible debt" means outstanding principal, interest, and related expenses from loans obtained for reasonable educational expenses associated with obtaining a law degree made by government and commercial lending institutions or educational institutions but not loans extended by a private individual or group of individuals, including families.

(6) "Eligible employment" means those areas of legal practice certified by the Attorney General to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding. The term "eligible employment" shall not include employment with the District of Columbia government or employment as the Administrator of the Program.

(7) "Lawyer" means a graduate of an accredited law school who is:

(A) Licensed to practice in the District of Columbia;

(B) Authorized under the provisions of Rule 49(c)(9) of the District of

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Columbia Court of Appeals to practice law before that court; or

(C) A member in good standing of the highest court of any state and has submitted an application for admission to the District of Columbia Bar.

(8) "Participant" means an eligible lawyer whose application to the Program has been approved.

(9) "Program" means the District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(10) "Reasonable educational expenses" means the cost of tuition for law school as well as the costs of education considered to be required by the school's degree program, such as fees for room, board, transportation and commuting costs, books, supplies, and educational equipment and materials that are part of the estimated student budget of the school in which the participant was enrolled.

(11) "Service obligation" means the duration of eligible employment necessary to sustain participation in the Program.

Sec. 3. Establishment of District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(a) There is established within the Office of the Attorney General a District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(b) The sole purpose of the Program shall be to provide loan repayment assistance to lawyers working in eligible employment.

Sec. 4. Administration of the Program.

(a) Within 30 days of the effective date of this act, the Attorney General shall:

(1) Establish an application and eligibility review process for the Program, including a semiannual review of the continued eligibility of participants;

(2) Certify a list of eligible employment;

(3) Determine levels of participant contribution; and

(4) Appoint an Administrator.

(b) The Attorney General may enter into an agreement with a third party to serve as the Administrator.

(c) The Administrator shall provide loans to participants, who maintain eligible employment, for the purpose of repaying eligible debt from reasonable education expenses associated with obtaining a law degree. The Administrator shall forgive these loans upon a participant's completion of the required service obligation.

(d) The Attorney General shall perform an annual finance and management audit of the Program.

Sec. 5. Eligibility.

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(a) To be eligible to participate in the Program, an applicant shall, at the time of application and throughout participation in the Program:

- (1) Hold, or presently plan to secure, eligible employment; provided, that a participant must hold eligible employment before any payments may be disbursed;
- (2) Be a resident of the District of Columbia;
- (3) Be a lawyer;
- (4) Have an adjusted gross annual income of less than \$65,000;
- (5) Exhaust all other available avenues for loan repayment assistance, including through participation in any available undergraduate or law school debt forgiveness programs;
- (6) Have no current service obligation from scholarships;
- (7) Submit a timely and completed application to participate in the Program;
- (8) Be in satisfactory repayment status on all eligible debt; and
- (9) Execute a release to allow the Administrator access to records, credit information, and information from lenders necessary to verify eligibility of debt and to determine loan repayments.

(b) A law student attending the David A. Clarke School of Law at the University of the District of Columbia who is in his or her final year of school may apply and be approved for loan repayment assistance if the applicant demonstrates that he or she will meet all eligibility requirements at the time of the first award disbursement.

Sec. 6. Award of Program loans.

(a) The Administrator shall award loans to participants during the period of service obligation in accordance with section 8. Subject to the availability of funds and within the limits established by subsection (c) of this section, participants shall be granted loans sufficient to repay all eligible debt.

(b) If the needs of all participants exceed the financing available in any fiscal year, preference shall be given to participants who:

- (1) Are graduates of accredited public schools of law in the District of Columbia;
- (2) Have committed to a longer service obligation;
- (3) Have graduated from an accredited school of law within the last 3 years; or
- (4) Have a high debt to adjusted gross annual income ratio as compared to other participants.

(c)(1) Participants in the program shall not receive loan repayment assistance under this Program in excess of \$60,000 for the period of service obligation or \$1000 for a single month.

(2) The Mayor may increase the award limits in this subsection to reflect changes in reasonable education expenses.

Sec. 7. Participant obligations.

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(a) Participants shall be obligated to:

(1) Maintain eligible employment of at least 35 hours per week for 45 weeks per year for each year of the service obligation; and

(2) Sign a promissory note setting forth their obligation to the Program to repay assistance loans that are not subsequently forgiven pursuant to section 4(c) because of a failure to sustain eligible employment or other noncompliance with the eligibility requirements set forth in section 5.

(b) The Administrator shall cause the participants to verify eligible employment and adjusted gross annual income at least semiannually during their participation in the Program. Participants shall make timely notification to the Administrator of any changes in status that would make them ineligible for an award under section 5.

(c) Participants who fail to fulfill the required service obligation shall be required to repay loans disbursed in accordance with the terms of the promissory note required by subsection (a) of this section and the regulations promulgated pursuant to section 9.

Sec. 8. Disbursement of loans.

(a) Disbursement of loan repayment assistance under this act shall begin no later than 90 days after an individual becomes a participant. Subject to the availability of appropriations, assistance payments shall be made semiannually to the participant until the repayment of the eligible debt is complete or the participant no longer meets the eligibility requirements set forth in section 5, whichever occurs first.

(b) It shall be the responsibility of each participant to negotiate with each lending institution for the terms and conditions of eligible debt repayments. Any penalties associated with early repayment shall be the responsibility of the participant.

Sec. 9. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 10. Appropriations contingency.

Sections 6 and 8(a) shall be subject to the availability of appropriations.

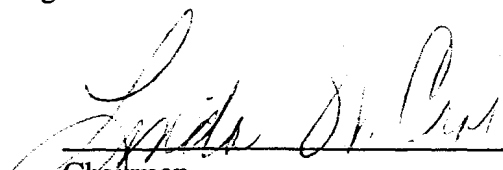
Sec. 11. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

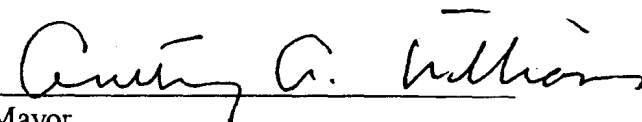
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Sec. 12. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-504

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

*Codification
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2006 Winter
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To amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to include "domestic violence counselors" among the professionals to whom the mandatory reporting requirement applies; to amend Chapter 3 of Title 14 of the District of Columbia Official Code to provide for confidentiality of information revealed by a victim of domestic violence to a domestic violence counselor, and to provide domestic violence counselors with a testimonial privilege; and to amend section 16-1004 of the District of Columbia Official Code to require that temporary protection orders that are scheduled to expire on a day when the Superior Court of the District of Columbia is closed shall continue in effect until the next day that the court is open for regular business.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Domestic Violence Amendment Act of 2006".

Sec. 2. Section 2(b) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(b)), is amended by striking the phrase "and mental health professional" and inserting the phrase "domestic violence counselor as defined in D.C. Official Code § 14-310(a)(2), and mental health professional as defined in section 101 of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01(11))" in its place.

Amend
§ 4-1321.02

Sec. 3. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the following phrase at the end: "14-310. Domestic violence counselors."

(b) Section 14-307 is amended by striking the phrase "§ 7-1201.01(11)" and inserting the phrase "§ 7-1201.01(11) or a domestic violence counselor as defined in § 14-310(a)(2)" in its place.

Amend
§ 4-307

(c) A new section 14-310 is added to read as follows:

ENROLLED ORIGINAL

“§ 14-310. Domestic violence counselors.

New
§ 4-310

“(a) For the purposes of this section, the term:

“(1) “Confidential communication” means information exchanged between a victim and a domestic violence counselor during the course of the counselor providing counseling, support, and assistance to a victim, including all records kept by the counselor and the domestic violence program concerning the victim and services provided to the victim.

“(2) “Domestic violence counselor” means an employee, contractor, or volunteer of a domestic violence program who:

“(A) Is rendering support, counseling, or assistance to a victim;

“(B) Has undergone not less than 40 hours of domestic violence counselor training conducted by a domestic violence program that includes dynamics of domestic violence, trauma resulting from domestic violence, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; and

“(C)(i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or

“(ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves victims.

“(3) “Domestic violence program” means a nonprofit, non-governmental organization that supports, counsels, and assists victims, including domestic violence hotlines, domestic violence shelters, and domestic violence intake centers.

“(4) Intrafamily offense” shall have the same meaning as provided in § 16-1001(5).

“(5) “Victim” means a person against whom severe emotional abuse or an intrafamily offense has been committed or is alleged to have been committed.

“(b)(1) A domestic violence counselor shall not disclose a confidential communication except:

“(A) As required by statute or by a court of law;

“(B) As voluntarily authorized in writing by the victim;

“(C) To other individuals employed at the domestic violence program and third party providers when and to the extent necessary to facilitate the delivery of services to the victim;

“(D) To the Metropolitan Police Department or other law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;

“(E) To compile statistical or anecdotal information, without personal identifying information, for research or public information purposes; or

“(F) For any confidential communications relevant to a claim or defense if the victim files a lawsuit against a domestic violence counselor or a domestic violence program.

“(2) Unless the disclosure is public, confidential communications disclosed pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except as authorized in paragraph (1) of this subsection.

“(3) Confidential communications are not waived by the presence of a sign language or foreign language interpreter. Such an interpreter is subject to the same disclosure limitations set forth in paragraph (1) of this subsection and the same privilege set forth in subsection (c) of this section.

“(c)(1) Except as provided in paragraph (2) of this subsection, when a victim is under 12 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose of asserting or waiving the privilege established by this section, or is deceased, the victim’s parent, guardian, or personal representative may assert or waive the privilege.

“(2) If the parent, guardian, or personal representative of a victim described in paragraph (1) of this subsection has been charged with an intrafamily offense or has had a protection order or a neglect petition entered against him or her at the request of or on behalf of the victim, or otherwise has interests adverse to those of the victim with respect to the assertion or waiver of the privilege, the court shall appoint an attorney for purposes of asserting or waiving the privilege.

“(d) The assertion of any privilege under this section is not admissible in evidence.

Sec. 3. Section 16-1004(d) of the District of Columbia Official Code is amended as follows:

Amend
§ 16-1004

(a) Designate the existing language as paragraph (1).

(b) The newly designated paragraph (1) is amended by striking the phrase “of not more than 14 days duration” and inserting the phrase “of not more than 14 days duration, subject to extensions provided in paragraph (2) of this subsection,” in its place.

(c) New paragraphs (2), (3), and (4) are added to read as follows:

“(2) If the 14th day falls on a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the Superior Court of the District of Columbia (“Court”) to be closed, the duration of the temporary protection order shall extend until the next day in which the Court is open.

“(3) All temporary protection orders issued pursuant to this subsection shall include language explaining, as a matter of law, that if the day on which they are set to expire is a Saturday, Sunday, legal holiday, or a day on which the weather or other conditions cause the Court to be closed, that the temporary protection order shall be extended for the duration provided in paragraph (2) of this subsection.

“(4) For the purposes of this subsection, the term “legal holiday” means any day observed as a holiday by the Court.”.

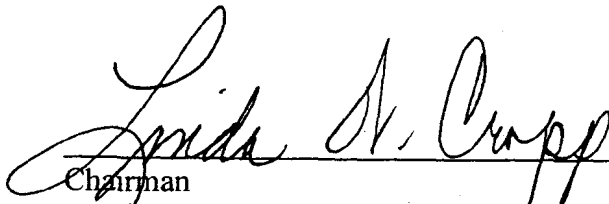
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-505

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend Title 19 of the District of Columbia Official Code by enacting the revised Uniform Disclaimer of Property Interests Act, to maximize the ability of individuals to disclaim interests in property, and to enable individuals to take full advantage of tax exclusions recently recognized by the United States Department of the Treasury for joint owners of property; to amend Chapter 20 of Title 21 of the District of Columbia Official Code by repealing the previous version of the Uniform Disclaimer of Property Interests Act; and to amend section 47-4221 of the District of Columbia Official Code to clarify that disclaimers of property interest would not invalidate a District lien on taxpayer property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Disclaimers of Property Interests Revision Act of 2006".

Sec. 2. Title 19 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by inserting the following at the end:

"15. Uniform Disclaimer of Property Interests 19-1501".

(b) A new Chapter 15 is added to read as follows:

"Chapter 15

"Uniform Disclaimer of Property Interests.

"Section

"19-1501. Short title.

"19-1502. Definitions.

"19-1503. Scope.

"19-1504. Chapter supplemented by other law.

"19-1505. Power to disclaim; general requirements; when irrevocable.

"19-1506. Disclaimer of interest in property.

"19-1507. Disclaimer of rights of survivorship in jointly held property.

"19-1508. Disclaimer of interest by trustee.

"19-1509. Disclaimer of power of appointment or other power not held in fiduciary capacity.

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"19-1510. Disclaimer by appointee, object, or taker in default of exercise of power of appointment.

"19-1511. Disclaimer of power held in fiduciary capacity.

"19-1512. Delivery or filing.

"19-1513. When disclaimer barred or limited.

"19-1514. Tax qualified disclaimer.

"19-1515. Recording of disclaimer.

"19-1516. Application to existing relationships.

"19-1517. Relation to Electronic Signatures in Global and National Commerce Act.

"19-1518. Uniformity of application and construction.

"§ 19-1501. Short title.

"This chapter may be cited as the "Uniform Disclaimer of Property Interests Act".

"§ 19-1502. Definitions.

"For the purposes of this chapter, the term:

"(1) "Disclaimant" means the person to whom a disclaimed interest or power would have passed had the disclaimer not been made.

"(2) "Disclaimed interest" means the interest that would have passed to the disclaimant had the disclaimer not been made.

"(3) "Disclaimer" means the refusal to accept an interest in or power over property.

"(4) "Fiduciary" means a personal representative, trustee, agent acting under a power of attorney, or other person authorized to act as a fiduciary with respect to the property of another person.

"(5) "Jointly held property" means property held in the name of 2 or more persons under an arrangement in which all holders have concurrent interests and under which the last surviving holder is entitled to the whole of the property.

"(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

"(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term "state" includes an Indian tribe or band, or Alaskan native village, recognized by federal law or formally acknowledged by a state.

"(8) "Trust" means:

"(A) An express trust, charitable or noncharitable, with additions thereto, whenever and however created; or

"(B) A trust created pursuant to a statute, judgment, or decree which requires the trust to be administered in the manner of an express trust.

New
§ 19-1501

New
§ 19-1502

ENROLLED ORIGINAL

“§ 19-1503. Scope.

New
§ 19-1503

This chapter applies to disclaimers of any interest in or power over property, whenever created.

“§ 19-1504. Chapter supplemented by other law.

New
§ 19-1504

“(a) Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

“(b) This chapter does not limit any right of a person to waive, release, disclaim, or renounce an interest in or power over property under a law other than this chapter.

“§ 19-1505. Power to disclaim; general requirements; when irrevocable.

New
§ 19-1505

“(a) A person may disclaim, in whole or part, any interest in or power over property, including a power of appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim.

“(b) Except to the extent a fiduciary's right to disclaim is expressly restricted or limited by another statute of the District of Columbia or by the instrument creating the fiduciary relationship, a fiduciary may disclaim, in whole or part, any interest in or power over property, including a power of appointment, whether acting in a personal or representative capacity. A fiduciary may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim, or an instrument other than the instrument that created the fiduciary relationship imposed a restriction or limitation on the right to disclaim.

“(c)(1) To be effective, a disclaimer must:

“(A) Be in a writing or other record;

“(B) Declare the disclaimer;

“(C) Describe the interest or power disclaimed;

“(D) Be signed by the person making the disclaimer; and

“(E) Be delivered or filed in the manner provided in § 19-1512.

“(2) For the purposes of this subsection, the term:

“(A) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

“(B) "Signed" means, with present intent to authenticate or adopt a record, to:

“(i) Execute or adopt a tangible symbol; or

“(ii) Attach to or logically associate with the record an electronic sound, symbol, or process.

“(d) A partial disclaimer may be expressed as a fraction, percentage, monetary amount, term of years, limitation of a power, or any other interest or estate in the property.

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“(e) A disclaimer becomes irrevocable when it is delivered or filed pursuant to § 19-1512 or when it becomes effective as provided in §§ 19-1506 through 19-1511, whichever occurs later.

“(f) A disclaimer made under this chapter is not a transfer, assignment, or release.
“§ 19-1506. Disclaimer of interest in property.

“(a) For the purposes of this section, the term:

New
§ 19-1506

“(1) “Future interest” means an interest that takes effect in possession or enjoyment, if at all, later than the time of its creation.

“(2) “Time of distribution” means the time when a disclaimed interest would have taken effect in possession or enjoyment.

“(b) Except for a disclaimer governed by § 19-1507 or 19-1508, the following rules apply to a disclaimer of an interest in property:

“(1) The disclaimer takes effect as of the time the instrument creating the interest becomes irrevocable, or, if the interest arose under the law of intestate succession, as of the time of the intestate's death.

“(2) The disclaimed interest passes according to any provision in the instrument creating the interest providing for the disposition of the interest, should it be disclaimed, or of disclaimed interests in general.

“(3) If the instrument does not contain a provision described in paragraph (2) of this subsection, the following rules apply:

“(A) If the disclaimant is not an individual, the disclaimed interest passes as if the disclaimant did not exist.

“(B) If the disclaimant is an individual, except as otherwise provided in subparagraphs (C) and (D) of this paragraph, the disclaimed interest passes as if the disclaimant had died immediately before the time of distribution.

“(C) If by law or under the instrument, the descendants of the disclaimant would share in the disclaimed interest by any method of representation had the disclaimant died before the time of distribution, the disclaimed interest passes only to the descendants of the disclaimant who survive the time of distribution.

“(D) If the disclaimed interest would pass to the disclaimant's estate had the disclaimant died before the time of distribution, the disclaimed interest instead passes by representation to the descendants of the disclaimant who survive the time of distribution. If no descendant of the disclaimant survives the time of distribution, the disclaimed interest passes to those persons, including the state but excluding the disclaimant, and in such shares as would succeed to the transferor's intestate estate under the intestate succession law of the transferor's domicile had the transferor died at the time of distribution. However, if the transferor's surviving spouse is living but is remarried at the time of distribution, the transferor is deemed to have died unmarried at the time of distribution.

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“(4) Upon the disclaimer of a preceding interest, a future interest held by a person other than the disclaimant takes effect as if the disclaimant had died or ceased to exist immediately before the time of distribution, but a future interest held by the disclaimant is not accelerated in possession or enjoyment.

“§ 19-1507. Disclaimer of rights of survivorship in jointly held property.

New
§ 19-1507

“(a) Upon the death of a holder of jointly held property, a surviving holder may disclaim, in whole or part, the greater of:

“(1) A fractional share of the property determined by dividing the number one by the number of joint holders alive immediately before the death of the holder to whose death the disclaimer relates; or

“(2) All of the property except that part of the value of the entire interest attributable to the contribution furnished by the disclaimant.

“(b) A disclaimer under subsection (a) of this section takes effect as of the death of the holder of jointly held property to whose death the disclaimer relates.

“(c) An interest in jointly held property disclaimed by a surviving holder of the property passes as if the disclaimant predeceased the holder to whose death the disclaimer relates.

“§ 19-1508. Disclaimer of interest by trustee.

New
§ 19-1508

“If a trustee disclaims an interest in property that otherwise would have become trust property, the interest does not become trust property.

“§ 19-1509. Disclaimer of power of appointment or other power not held in fiduciary capacity.

New
§ 19-1509

“If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

“(1) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

“(2) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power.

“(3) The instrument creating the power is construed as if the power expired when the disclaimer became effective.

“§ 19-1510. Disclaimer by appointee, object, or taker in default of exercise of power of appointment.

New
§ 19-1510

“(a) A disclaimer of an interest in property by an appointee of a power of appointment takes effect as of the time the instrument by which the holder exercises the power becomes irrevocable.

“(b) A disclaimer of an interest in property by an object or taker in default of an exercise of a power of appointment takes effect as of the time the instrument creating the power becomes irrevocable.

ENROLLED ORIGINAL

“§ 19-1511. Disclaimer of power held in fiduciary capacity.

New
§ 19-1511

“(a) If a fiduciary disclaims a power held in a fiduciary capacity which has not been exercised, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable.

“(b) If a fiduciary disclaims a power held in a fiduciary capacity which has been exercised, the disclaimer takes effect immediately after the last exercise of the power.

“(c) A disclaimer under this section is effective as to another fiduciary if the disclaimer so provides and the fiduciary disclaiming has the authority to bind the estate, trust, or other person for whom the fiduciary is acting.

“§ 19-1512. Delivery or filing.

New
§ 19-1512

“(a) For the purposes of this section, the term “beneficiary designation” means an instrument, other than an instrument creating a trust, naming the beneficiary of:

“(1) An annuity or insurance policy;

“(2) An account with a designation for payment on death;

“(3) A security registered in beneficiary form;

“(4) A pension, profit-sharing, retirement, or other employment-related benefit plan; or

“(5) Any other nonprobate transfer at death.

“(b) Subject to subsections (c) through (l) of this section, delivery of a disclaimer may be effected by personal delivery, first-class mail, or any other method likely to result in its receipt.

“(c) In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

“(1) A disclaimer must be delivered to the personal representative of the decedent's estate; or

“(2) If no personal representative is then serving, it must be filed with a court having jurisdiction to appoint the personal representative.

“(d) In the case of an interest in a testamentary trust:

“(1) A disclaimer must be delivered to the trustee then serving, or if no trustee is then serving, to the personal representative of the decedent's estate; or

“(2) If no personal representative is then serving, it must be filed with a court having jurisdiction to enforce the trust.

“(e) In the case of an interest in an inter vivos trust:

“(1) A disclaimer must be delivered to the trustee then serving;

“(2) If no trustee is then serving, it must be filed with a court having jurisdiction to enforce the trust; or

“(3) If the disclaimer is made before the time the instrument creating the trust becomes irrevocable, it must be delivered to the settlor of a revocable trust or the transferor of the interest.

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"(f) In the case of an interest created by a beneficiary designation made before the time the designation becomes irrevocable, a disclaimer must be delivered to the person making the beneficiary designation.

"(g) In the case of an interest created by a beneficiary designation made after the time the designation becomes irrevocable, a disclaimer must be delivered to the person obligated to distribute the interest.

"(h) In the case of a disclaimer by a surviving holder of jointly held property, the disclaimer must be delivered to the person to whom the disclaimed interest passes.

"(i) In the case of a disclaimer by an object or taker in default of exercise of a power of appointment at any time after the power was created:

"(1) The disclaimer must be delivered to the holder of the power or to the fiduciary acting under the instrument that created the power; or

"(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

"(j) In the case of a disclaimer by an appointee of a nonfiduciary power of appointment:

"(1) The disclaimer must be delivered to the holder, the personal representative of the holder's estate, or to the fiduciary under the instrument that created the power; or

"(2) If no fiduciary is then serving, it must be filed with a court having authority to appoint the fiduciary.

"(k) In the case of a disclaimer by a fiduciary of a power over a trust or estate, the disclaimer must be delivered as provided in subsection (c), (d), or (e) of this section, as if the power disclaimed were an interest in property.

"(l) In the case of a disclaimer of a power by an agent, the disclaimer must be delivered to the principal or the principal's representative.

"§ 19-1513. When disclaimer barred or limited.

"(a) A disclaimer is barred by a written waiver of the right to disclaim.

"(b) A disclaimer of an interest in property is barred if any of the following events occur before the disclaimer becomes effective:

"(1) The disclaimant accepts the interest sought to be disclaimed;

"(2) The disclaimant voluntarily assigns, conveys, encumbers, pledges, or transfers the interest sought to be disclaimed or contracts to do so; or

"(3) A judicial sale of the interest sought to be disclaimed occurs.

"(c) A disclaimer, in whole or part, of the future exercise of a power held in a fiduciary capacity is not barred by its previous exercise.

"(d) A disclaimer, in whole or part, of the future exercise of a power not held in a fiduciary capacity is not barred by its previous exercise unless the power is exercisable in favor of the disclaimant.

"(e) A disclaimer is barred or limited if so provided by law other than this chapter.

New
§ 19-1513

ENROLLED ORIGINAL

“(f) A disclaimer of a power over property which is barred by this section is ineffective. A disclaimer of an interest in property which is barred by this section takes effect as a transfer of the interest disclaimed to the persons who would have taken the interest under this chapter had the disclaimer not been barred.

“§ 19-1514. Tax qualified disclaimer.

New
§ 19-1514

“Notwithstanding any other provision of this chapter, if as a result of a disclaimer or transfer the disclaimed or transferred interest is treated pursuant to the provisions of Title 26 of the United States Code, as now or hereafter amended, or any successor statute thereto, and the regulations promulgated thereunder, as never having been transferred to the disclaimant, then the disclaimer or transfer is effective as a disclaimer under this chapter.

“§ 19-1515. Recording of disclaimer.

New
§ 19-1515

“If an instrument transferring an interest in or power over property subject to a disclaimer is required or permitted by law to be filed, recorded, or registered, the disclaimer may be so filed, recorded, or registered. Failure to file, record, or register the disclaimer does not affect its validity as between the disclaimant and persons to whom the property interest or power passes by reason of the disclaimer.

“§ 19-1516. Application to existing relationships.

New
§ 19-1516

“Except as otherwise provided in § 19-1513, an interest in or power over property existing on the effective date of this chapter as to which the time for delivering or filing a disclaimer under law superseded by this chapter has not expired may be disclaimed after the effective date of this chapter.

“§ 19-1517. Relation to Electronic Signatures in Global and National Commerce Act.

New
§ 19-1517

“This chapter modifies, limits, and supercedes the federal Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001), but does not modify, limit, or supercede section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C.

§ 7003(b)).

“§ 19-1518. Uniformity of application and construction.

New
§ 19-1518

“In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.”.

Sec. 3. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "Subchapter VIII. Uniform Disclaimer of Property Interests." and insert the phrase "Subchapter VIII. Uniform Disclaimer of Property Interests. [Repealed]" in its place.

ENROLLED ORIGINAL

(2) Strike the phrase "21-2091. Right to disclaim interest in property." and insert the phrase "21-2091. Right to disclaim interest in property. [Repealed]" in its place.

(3) Strike the phrase "21-2092. Time of disclaimer; delivery." and insert the phrase "21-2092. Time of disclaimer; delivery. [Repealed]" in its place.

(4) Strike the phrase "21-2093. Form of disclaimer." and insert the phrase "21-2093. Form of disclaimer. [Repealed]" in its place.

(5) Strike the phrase "21-2094. Effect of disclaimer." and insert the phrase "21-2094. Effect of disclaimer. [Repealed]" in its place.

(6) Strike the phrase "21-2095. Waiver and bar." and insert the phrase "21-2095. Waiver and Bar. [Repealed]" in its place.

(7) Strike the phrase "21-2096. Remedy not exclusive." and insert the phrase "21-2096. Remedy not exclusive. [Repealed]" in its place.

(8) Strike the phrase "21-2097. Application." and insert the phrase "21-2097. Application. [Repealed]" in its place.

(9) Strike the phrase "21-2098. Uniformity of application and construction." and insert the phrase "21-2098. Uniformity of application and construction. [Repealed]" in its place.

(b) Subchapter VIII is repealed.

Sec. 4. Section 47-4421 of the District of Columbia Official Code is amended as follows:

(a) Designate the existing text as subsection (a).

(b) A new subsection (b) is added to read as follows:

“(b) A disclaimer of a property interest does not invalidate a lien under this section.”.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

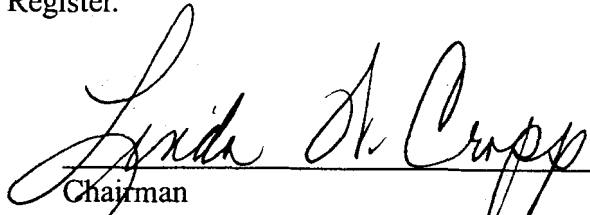
Sec. 6. Effective date.

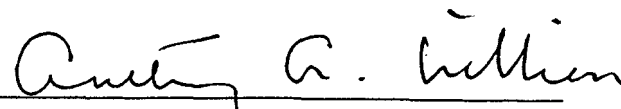
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

Repeal
§§ 21-2091 -
21-2098
Amend
§ 47-4421

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-506

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Deed Recordation Tax Act to impose an additional tax of .35% on transfers of security interests; and to amend the Fiscal Year 2007 Budget Support Act of 2006 to make a conforming change.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Deed Transfer and Recordation Clarification Temporary Amendment Act of 2006".

Sec. 2. Section 303(a-3) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103(a-3)), is amended by striking the phrase "(a)(1)" and inserting the phrase "(a)(1) or (3)" in its place.

Note.
§ 42-1103

Sec. 3. Section 2053 of the Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 6928), is amended by striking the phrase "(a)(1)" and inserting the phrase "(a)(1) or (3)" in its place.

Note.
§ 42-1103

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

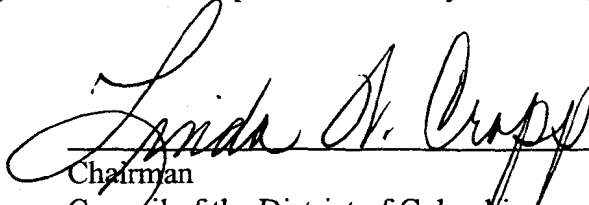
Sec. 5. Effective date.

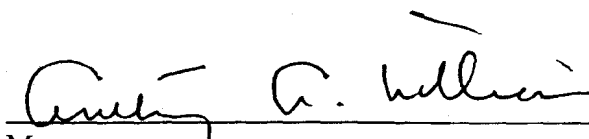
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-507

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on a temporary basis, the Neighborhood Investment Act of 2004 to clarify its purposes, to authorize the Office of the Deputy Mayor for Planning and Economic Development to make grants and loans from the Neighborhood Investment Fund, to include the entire commercial area along Nannie Helen Burroughs and Division Avenues in the Deanwood Heights Neighborhood Investment program target area, and to establish goals for certain target areas.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Investment Amendment Temporary Act of 2006".

Sec. 2. The Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071 *et seq.*), is amended as follows:

*Note,
§ 6-1071*

(a) Section 2 (D.C. Official Code § 6-1071) is amended as follows:

(1) Subsection (a) is amended by striking the first sentence and inserting the following sentence in its place to read as follows:

"There is established, as a nonlapsing, revolving fund outside the General Fund of the District of Columbia, a fund designated as the Neighborhood Investment Fund to finance economic development in certain District neighborhoods, to develop a Neighborhood Investment Program for designated target areas, and to designate 12 District neighborhoods as the initial target areas."

(2) Subsection (b) is amended to read as follows:

"(b) The Mayor shall submit to the Council, as part of the annual budget, a request for an appropriation for expenditures from the Neighborhood Investment Fund to facilitate the revitalization activities in the target areas."

(3) A new subsection (g) is added to read as follows:

"(g) The Office of the Deputy Mayor for Planning and Economic Development is authorized to make loans and grants from the Neighborhood Investment Fund to facilitate the revitalization activities in the target areas."

ENROLLED ORIGINAL

(b) Section 4 (D.C. Official Code § 6-1073) is amended as follows:

Note,
§ 6-1073

(1) The lead-in language is amended to read as follows: "There are established the following Neighborhood Investment Program target areas for revitalization activities to be supported by the appropriated funds from the Neighborhood Investment Fund:"

(2) Paragraph (3)(A) is amended to read as follows:

"(3)(A) Target Area #3 – Deanwood Heights. The Deanwood Heights target area is defined as starting at the corner of 50th Street, N.W., east along Hayes Street, N.E., south along 54th Place N.E., east along Nannie Helen Burroughs Avenue, N.E., southeast along Eastern Avenue, N.E., southwest along Southern Avenue, N.E., west along East Capitol Street, north along Division Avenue, N.E., west along Marvin Gaye Park, and north along 50th Street, N.E."

(3) Paragraph (10) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) Among the goals for this target area are improving connectivity and transit use, creating mixed-use housing opportunities, enhancing neighborhood retail, building on cultural assets, and creating a dynamic destination."

(4) Paragraph (11) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) Among the goals for this target area are economic development, increasing home ownership opportunities, and improving the condition of housing stock in the area."

(5) Paragraph (12) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) Among the goals for this target area are improving public facilities, increasing homeownership opportunities, enhancing neighborhood retail."

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

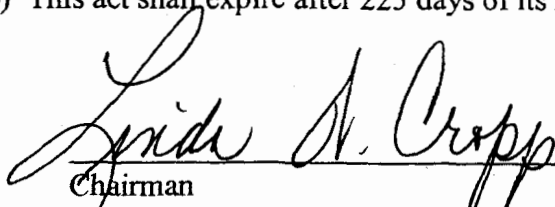
Sec. 4. Effective date.

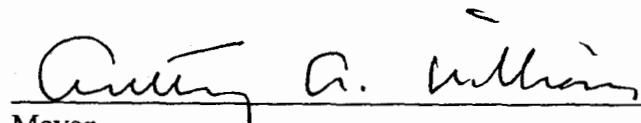
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-508

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

To authorize, on a temporary basis, the increase of fiscal year 2006 appropriation authority for expenditures supported by Other-Type revenues pursuant to section 126 of the District of Columbia Appropriations Act, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "July Local Supplemental Other Type Appropriations Approval Temporary Act of 2006".

Sec. 2. Pursuant to section 126 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (P. L. 109-115; 119 Stat. 2520), the District provides the details of an increase in the amount of \$19.23 million to the District's fiscal year 2006 Other-Type fund appropriations based upon a certified increase in Other-Type revenues to be allocated as follows:

(1) An increase of \$11 million in Other-Type authority for the District of Columbia Lottery, to cover the cost of higher than anticipated prize payouts and elevated gaming fees, including contractor fees and agents' commissions;

(2) An increase of \$8 million in Other-Type authority for the Department of Health, to correct the oversight of inadvertently failing to add to the fiscal year 2006 budget the Other-Type authority necessary for expenditures supported by the health care provider tax; and

(3) An increase of \$230,000 for the Department of Human Services, to cover higher than anticipated maintenance costs at the D.C. Village.

Sec. 3. Fiscal impact statement.

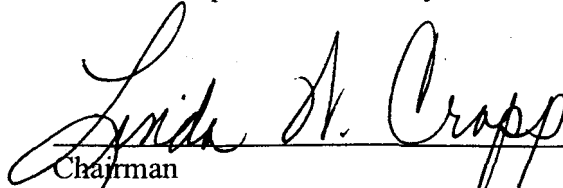
(a) The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

(b) The Chief Financial Officer has certified that the collection of Other-Type revenues is sufficient to implement the provisions of this act.

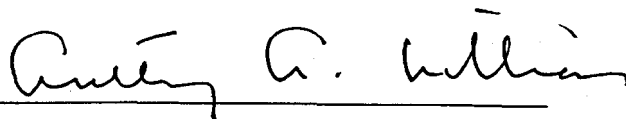
ENROLLED ORIGINAL

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-509

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend AN ACT TO provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to authorize the Director of the Department of Consumer and Regulatory Affairs to abate graffiti nuisance property in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Tagging and Anti-Vandalism Amendment Act of 2006".

Sec. 2. Section 1(c) of AN ACT TO provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(c)), is amended as follows:

Amend
§ 42-3131.01

(a) The existing text is re-designated as paragraph (1).

(b) Newly re-designated paragraph (1) is amended by striking the phrase "natural causes." and inserting the phrase "natural causes. The condition may also include the presence of graffiti." in its place.

(c) New paragraphs (2) and (3) are added to read as follows:

"(2) For the purposes of this subsection, the presence of graffiti shall be deemed to be a housing regulation violation.

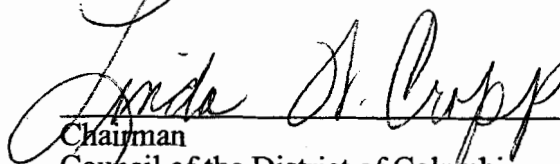
"(3) In the case of graffiti which does not constitute a life-or-health threatening condition, but which constitutes a nuisance, the Mayor may order the removal of the graffiti within a specified time period and, subject to 7 days' notice to the owner or an authorized agent in the manner provided under paragraph (1) of this subsection and an opportunity for review of the order, the Mayor may remove the graffiti if the owner does not comply."

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

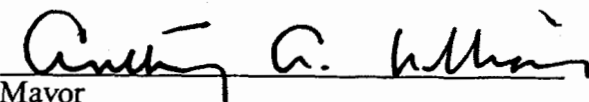
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
October 25, 2006

AN ACT
D.C. ACT 16-510

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

*Codification
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To amend, on an emergency basis, section 47-3701(4) of the District of Columbia Official Code to clarify that the estate tax filing threshold of \$1 million applies to decedents whose death occurs on or after January 1, 2003.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Estate and Inheritance Tax Clarification Emergency Act of 2006".

Sec. 2. Section 47-3701(4) of the District of Columbia Official Code is amended as follows:

Note.
 § 47-3701

(a) Subparagraph (B) is amended to read as follows:

"(B) For a decedent whose death occurs on or after January 1, 2002:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$675,000; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$675,000."

(b) A new subparagraph (C) is added to read as follows:

"(C) For a decedent whose death occurs on or after January 1, 2003:

"(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

"(ii) Any scheduled increase in the unified credit provided in section 2010 of the Internal Revenue Code or thereafter shall not apply and the amount of the unified credit shall be \$220,550; and

"(iii) An estate tax return shall not be required to be filed if the decedent's gross estate does not exceed \$1 million."

Sec. 3. Applicability.

This act shall apply as of October 19, 2006.

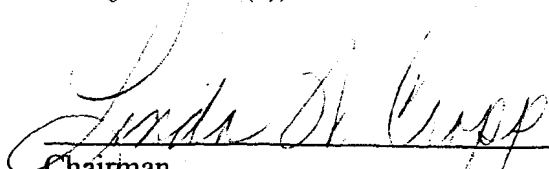
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Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-511

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

To authorize, on an emergency basis, the Chief Financial Officer to execute year-end reallocations to reflect the actual fiscal year 2006 fixed costs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2006 Year-End Commodities Reallocation Authority Emergency Act of 2006".

Sec. 2. The Chief Financial Officer is hereby authorized to re-examine the allocations made by the District in the fiscal year 2006 budget for all consumption-driven commodities, including electricity, fuel, water, steam, natural gas, postage, telephone, custodial, security, occupancy, and rent and to immediately execute the necessary reallocations to ensure a balanced District-wide commodities budget for fiscal year 2006. The total amount reallocated shall not exceed \$18 million and shall be reallocated only to the commodities budget line items of the following agencies: Fire and Emergency Medical Services, Department of Health, Department of Human Services, and the Department of Mental Health.

Sec. 3. The Chief Financial Officer shall submit to the Mayor and Council no later than 30 days after the completion of the Comprehensive Annual Financial Report, a report detailing the final application of the funds reallocated pursuant to this act.

Sec. 4. Applicability.

This act shall apply as of September 29, 2006.

Sec. 5. Fiscal impact statement.

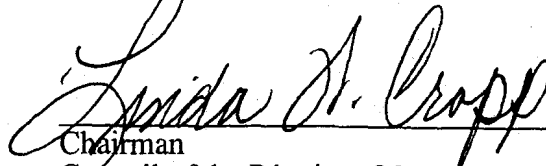
This act reallocates amounts incorporated into the fiscal year 2006 budget and, therefore, this legislation has no fiscal impact.

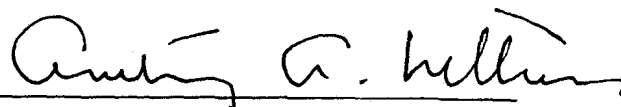
Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 25, 2006

AN ACT
D.C. ACT 16-512

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2006 Winter
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To establish, on an emergency basis, within the Office of the Attorney General a loan assistance repayment program to encourage law students and lawyers to practice in poverty areas of the law, and to ensure access to the justice system for the impoverished and underserved citizens of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Poverty Lawyer Loan Assistance Repayment Program Emergency Act of 2006".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Adjusted gross annual income" shall have the same meaning as provided in D.C. Official Code § 47-1803.02(b).

(2) "Administrator" means the person appointed to administer the Program.

(3) "Applicant" means an individual who applies for assistance from the Program.

(4) "Attorney General" means the Attorney General of the District of Columbia.

(5) "Eligible debt" means outstanding principal, interest, and related expenses from loans obtained for reasonable educational expenses associated with obtaining a law degree made by government and commercial lending institutions or educational institutions but not loans extended by a private individual or group of individuals, including families.

(6) "Eligible employment" means those areas of legal practice certified by the Attorney General to serve the public interest, including employment with legal organizations that qualify for District of Columbia Bar Foundation funding. The term "eligible employment" shall not include employment with the District of Columbia government or employment as the Administrator.

(7) "Lawyer" mean a graduate of an accredited law school who is:

(A) Licensed to practice in the District of Columbia;

(B) Authorized under the provisions of Rule 49 (c)(9) of the District of Columbia Court of Appeals to practice law before that court; or

(C) A member in good standing of the highest court of any state and has submitted an application for admission to the District of Columbia Bar.

(8) "Participant" means a lawyer whose application to the Program has been approved.

(9) "Program" means the District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(10) "Reasonable educational expenses" means the cost of tuition for law school as well as the costs of education considered to be required by the school's degree program, such as fees for room, board, transportation and commuting costs, books, supplies, and educational equipment and materials that are part of the estimated student budget of the school in which the participant was enrolled.

(11) "Service obligation" means the duration of eligible employment necessary to sustain participation in the Program.

Sec. 3. Establishment of District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(a) There is established within the Office of the Attorney General a District of Columbia Poverty Lawyer Loan Assistance Repayment Program.

(b) The sole purpose of the Program shall be to provide loan repayment assistance to lawyers working in eligible employment.

Sec. 4. Administration of the Program.

(a) Within 30 days of the effective date of this act, the Attorney General shall:

(1) Establish an application and eligibility review process for the Program, including a semiannual review of the continued eligibility of participants;

(2) Certify a list of eligible employment;

(3) Determine levels of participant contribution; and

(4) Appoint an Administrator.

(b) The Attorney General may enter into an agreement with a third party to serve as the Administrator.

(c) The Administrator shall provide loans to participants, who maintain eligible employment, for the purpose of repaying eligible debt from reasonable education expenses associated with obtaining a law degree. The Administrator shall forgive these loans upon a participant's completion of the required service obligation.

(d) The Attorney General shall perform an annual finance and management audit of the Program.

Sec. 5. Eligibility.

(a) To be eligible to participate in the Program, an applicant shall, at the time of application and throughout participation in the Program:

- (1) Hold, or presently plan to secure, eligible employment; provided, that a participant must hold eligible employment before any payments may be disbursed;
- (2) Be a resident of the District of Columbia
- (3) Be a lawyer;
- (4) Have an adjusted gross annual income of less than \$65,000.
- (5) Exhaust all other available avenues for loan repayment assistance, including through participation in any available undergraduate or law school debt forgiveness programs;
- (6) Have no current service obligation from scholarships;
- (7) Submit a timely and completed application to participate in the Program;
- (8) Be in satisfactory repayment status on all eligible debt; and
- (9) Execute a release to allow the Administrator access to records, credit information, and information from lenders necessary to verify eligibility of debt and to determine loan repayments.

(b) A law student attending the David A. Clarke School of Law at the University of the District of Columbia who is in his or her final year of school may apply and be approved for loan repayment assistance if the applicant demonstrates that he or she will meet all eligibility requirements at the time of the first award disbursement.

Sec. 6. Award of Program loans.

(a) The Administrator shall award loans to participants during the period of service obligation in accordance with section 8. Subject to the availability of funds and within the limits established by subsection (c) of this section, participants shall be granted loans sufficient to repay all eligible debt.

(b) If the needs of all participants exceed the financing available in any fiscal year, preference shall be given to participants who:

- (1) Are graduates of accredited public schools of law in the District of Columbia;
- (2) Have committed to a longer service obligation;
- (3) Have graduated from an accredited school of law within the last 3 years; or
- (4) Have a high debt to adjusted gross annual income ratio as compared to other participants.

(c)(1) Participants shall not receive loan repayment assistance under the Program in excess of \$60,000 for the period of service obligation or \$1000 for a single month.

(2) The Mayor may increase the award limits in this subsection to reflect changes in reasonable education expenses.

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Sec. 7. Participant obligations.

(a) Participants shall be obligated to:

(1) Maintain eligible employment of at least 35 hours per week for 45 weeks per year for each year of the service obligation; and

(2) Sign a promissory note setting forth their obligation to the Program to repay assistance loans that are not subsequently forgiven pursuant to section 4(c) because of a failure to sustain eligible employment or other noncompliance with the eligibility requirements set forth in section 5.

(b) The Administrator shall cause the participants to verify eligible employment and adjusted gross annual income at least semiannually during their participation in the Program. Participants shall make timely notification to the Administrator of any changes in status that would make them ineligible for an award under section 5.

(c) Participants who fail to fulfill the required service obligation shall be required to repay loans disbursed in accordance with the terms of the promissory note required by subsection (a) of this section and the regulations promulgated pursuant to section 9.

Sec. 8. Disbursement of loans.

(a) Disbursement of loan repayment assistance under this act shall begin no later than 90 days after an individual becomes a participant. Subject to the availability of appropriations, assistance payments shall be made semiannually to the participant until repayment of the eligible debt is complete or the participant no longer meets the eligibility requirements set forth in section 5, whichever occurs first.

(b) It shall be the responsibility of each participant to negotiate with each lending institution for the terms and conditions of eligible debt repayments. Any penalties associated with early repayment shall be the responsibility of the participant.

Sec. 9. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 10. Appropriations contingency.

Sections 6 and 8(a) shall be subject to the availability of appropriations.

Sec. 11. Applicability.

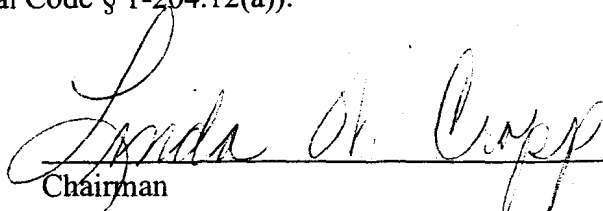
This act shall apply as of October 1, 2006.

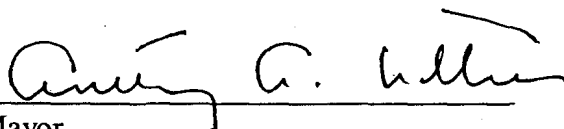
Sec. 12. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the District of Columbia Poverty Lawyer Loan Assistance Repayment Program Act of 2006, passed on 2nd reading on October 3, 2006 (Enrolled version of Bill 16-660), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 13. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-513

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to add the definition "certified business enterprise" and clarify that the dollar volume subcontracting requirement may include purchases from small business enterprises that provide materials, goods, and supplies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Small and Local Business Development Subcontracting Clarification Emergency Amendment Act of 2006".

Sec. 2. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) Section 2302 is amended by adding a new paragraph (1A) to read as follows:

Note,
§ 2-218.02

"(1A) "Certified business enterprise" means a business enterprise or joint venture certified by the Small and Local Business Opportunity Commission pursuant to part D."

(b) Section 2313(c)(1)(A) is amended to read as follows:

Note,
§ 2-218.13

"(A) Reviewing applications for certification as a local business enterprise, small business enterprise, disadvantaged business enterprise, resident-owned business, longtime resident business, or local business enterprise with its principal office located in an enterprise zone;"

(c) Section 2331(a)(2A) is amended to read:

Note,
§ 2-218.31

"(2A) Meets 1 of the 4 following standards:"

(d) Section 2346(a) is amended to read as follows:

Note,
§ 2-218.46

"(a)(1) All construction contracts in excess of \$250,000 shall include the following requirements:

"(A) At least 35% of the dollar volume shall be subcontracted to small business enterprises; provided, however, that the costs of materials, goods and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from small business enterprises; or

ENROLLED ORIGINAL

“(B) If there are insufficient qualified small business enterprises to completely fulfill the requirement of subparagraph (A) of this paragraph, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises; provided, however, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.

“(2) All non-construction contracts in which a portion of the work is subcontracted shall include the following requirements:

“(A) At least 35% of the dollar volume shall be subcontracted to small business enterprises; provided, however, that the costs of materials, goods and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from small business enterprises; or

“(B) If there are insufficient qualified small business enterprises to completely fulfill the requirement of subparagraph (A) of this paragraph, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises; provided, however, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.”.

Note,
§ 2-218.50

(e) Section 2350(b)(1) is amended to read as follows:

“(b)(1)(A) A government corporation shall take all measures as shall be reasonably necessary to assure that all contracts entered into by the government corporation, or any agency or subsidiary of the government corporation, with respect to each major phase of the development and construction of a project undertaken by the government corporation, including contracts for professional services, architectural, engineering, and other construction related services and construction trade work, shall provide that at least 35% of the work on the project shall be awarded to small business enterprises; provided, however, that the costs of materials, goods and supplies shall not be counted towards the 35% subcontracting requirement unless such materials, goods and supplies are purchased from small business enterprises. *

“(B) If there are insufficient qualified small business enterprises to fulfill the small business enterprise contracting requirement, then the subcontracting requirement may be satisfied by subcontracting 35% of the dollar volume of the project to any certified business enterprises; provided, however, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.”.

(f) Section 2354 is amended as follows:

(1) The existing language is designated as subsection (a).

(2) Paragraph (2) of the newly designated subsection (a) is amended as follows:

(A) Subparagraph (C) is amended by striking the word “and” at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase “; and” in its place.

Note,
§ 2-218.54

ENROLLED ORIGINAL

(C) A new subparagraph (E) is added to read as follows:

“(E) The actual dollar amount expended with each business enterprise.”.

(3) New subsections (b) and (c) are added to read as follows:

“(b) Within 45 days of its receipt of the annual reports required by section 2350(g), the Department shall submit to the Council and the Commission a report containing the following information with respect to each government corporation for the current and prior fiscal years:

“(1) The expendable budget of the government corporation;

“(2) The government corporation's achievement with respect to the requirements of section 2350; and

“(3) A list of each contract or procurement of the government corporation, which shall include the following:

“(A) A description of the contract or procurement;

“(B) The dollar amount of the contract or procurement;

“(C) The name of the business enterprise from which the goods or services were contracted or procured;

“(D) Whether the business enterprise was a certified local, small, or disadvantaged business enterprise, and, if it was:

“(i) The category or categories under which the business enterprise is certified; and

“(ii) The identification number of the business enterprise assigned by the Department;

“(E) The source of funding for the contract (local, federal, other, or capital); and

“(F) The actual dollar amount expended with each business enterprise.

“(c)(1) Beginning with the first full quarter after the effective date of the Fiscal Year 2007 Budget Support Emergency Act of 2006, D.C. Act 16-477 [August 8, 2006], the Department shall submit to the Council, within 60 days of the end of the quarter, a copy of the quarterly reports of each agency required by section 2353(a) and a copy of the quarterly reports of each government corporation required by section 2350(f).

“(2) Beginning with the first full quarter after August 8, 2006, the Department shall submit to the Council the following:

“(A) A summary of the information that each agency is required to submit pursuant to section 2353 and the information that each government corporation is required to submit pursuant to section 2350(f), in a format that shows the cumulative progress of each agency's or government corporation's annual local, small, and disadvantaged business enterprise contracting and procurement goals to date and the actual dollar amount expended with each business enterprise for the current fiscal year; and

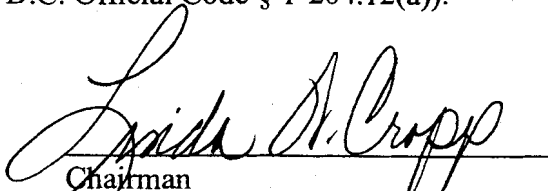
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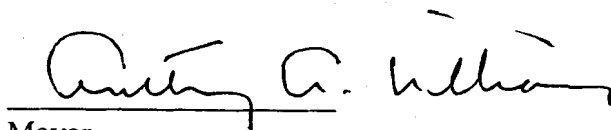
“(B) A list of all agencies or government corporations that have not submitted a report for that quarter and a detailed explanation of what actions were taken by the Department to effectuate compliance with the reporting requirement.”.

Sec. 3. This act shall apply as of September 22, 2006.

Sec. 4. The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
October 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-514

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To approve, on an emergency basis, a multiyear contract for the purchase of regular unleaded gasoline under federal contract number SPO600-05-D-4058 with Ohio Energy Specialties, Inc., and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Multiyear Contract for the Purchase of Fuel under Federal Contract No. SP0600-05-D-4058 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), a multiyear contract for the purchase of regular unleaded gasoline under federal contract number SPO600-05-D-4058 is approved and payment is authorized for the goods and services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

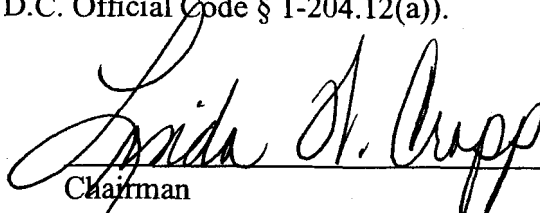
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

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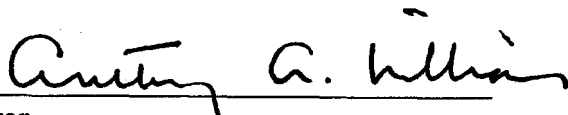
DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
October 25, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-515

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006

To approve, on an emergency basis, a multiyear contract for the purchase of heating oil #2 and diesel fuel under federal contract number SPO600-05-D-4057 with Mansfield Oil Company and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Multiyear Contract for the Purchase of Fuel under Federal Contract No. SP0600-05-D-4057 Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. Notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), a multiyear contract for the purchase of heating oil #2 and diesel fuel under federal contract number SPO600-05-D-4057 is approved and payment is authorized for the goods and services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

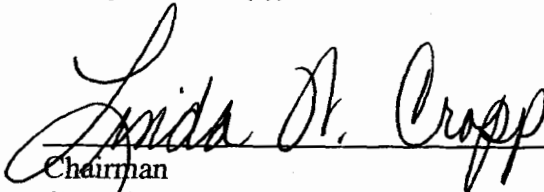
The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
Approved
October 25, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-516

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2006Codification
District of
Columbia
Official Code

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Amendment Act of 2006".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1103(a) (D.C. Official Code § 1-611.03(a)) is amended by adding a new paragraph (7) to read as follows:

Note,
§ 1-611.03

“(7)(A) Any full-time permanent, term, or TAPER District government employee who serves in a reserve component of the United States Armed Forces and who has been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, shall receive, upon application and approval, an amount that equals the difference in compensation between the employee's District government basic pay and the employee's basic military pay. This amount shall not be considered as basic pay for any purpose. This amount shall be paid for any period following the formal inception of Operation Enduring Freedom in 2001, any period following the beginning of the preparation for Operation Iraqi Freedom in 2002 and 2003, or for any period following the formal inception of Operation Iraqi Freedom in 2003, during which the employee is carried in a non-pay status, from the time the employee is called to active duty until the employee is released from active duty occasioned by any of these military conflicts.

"(B) The Mayor shall issue rules within 30 days of July 22, 2003 to implement the provisions of this paragraph."

(b) Section 1111(d) (D.C. Official Code § 1-611.11(d)) is amended by striking the phrase "and (6)" and inserting the phrase "and (7)" in its place.

Note,
§ 1-611.11

Sec. 3. Applicability.

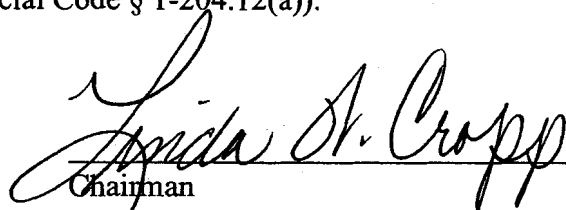
This act shall apply as of October 19, 2006.

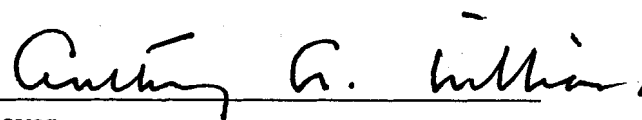
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
Approved
October 25, 2006

AN ACT

D.C. ACT 16-517

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Neighborhood Investment Act of 2004 to clarify its purposes, to authorize the Office of the Deputy Mayor for Planning and Economic Development to make grants and loans from the Neighborhood Investment Fund, to include the entire commercial area along Nannie Helen Burroughs and Division Avenues in the Deanwood Heights Neighborhood Investment program target area, and to establish goals for certain target areas.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Investment Congressional Review Emergency Amendment Act of 2006".

Sec. 2. The Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1071) is amended as follows:

(1) Subsection (a) is amended by striking the first sentence and inserting the following sentence in its place to read as follows:

"There is established, as a nonlapsing, revolving fund outside the General Fund of the District of Columbia, a fund designated as the Neighborhood Investment Fund to finance economic development in certain District neighborhoods, to develop a Neighborhood Investment Program for designated target areas, and to designate 12 District neighborhoods as the initial target areas."

(2) Subsection (b) is amended to read as follows:

"(b) The Mayor shall submit to the Council, as part of the annual budget, a request for an appropriation for expenditures from the Neighborhood Investment Fund to facilitate the revitalization activities in the target areas."

(3) A new subsection (g) is added to read as follows:

"(g) The Office of the Deputy Mayor for Planning and Economic Development is authorized to make loans and grants from the Neighborhood Investment Fund to facilitate the revitalization activities in the target areas."

Note,
§ 6-1071

(b) Section 4 (D.C. Official Code § 6-1073) is amended as follows:

Note,
§ 6-1073

(1) The lead-in language is amended to read as follows: "There are established the following Neighborhood Investment Program target areas for revitalization activities to be supported by the appropriated funds from the Neighborhood Investment Fund:"

(2) Paragraph (3)(A) is amended to read as follows:

"(3)(A) Target Area #3 – Deanwood Heights. The Deanwood Heights target area is defined as starting at the corner of 50th Street, N.W., east along Hayes Street, N.E., south along 54th Place N.E., east along Nannie Helen Burroughs Avenue, N.E., southeast along Eastern Avenue, N.E., southwest along Southern Avenue, N.E., west along East Capitol Street, north along Division Avenue, N.E., west along Marvin Gaye Park, and north along 50th Street, N.E."

(3) Paragraph (10) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) Among the goals for this target area are improving connectivity and transit use, creating mixed-use housing opportunities, enhancing neighborhood retail, building on cultural assets, and creating a dynamic destination."

(4) Paragraph (11) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) Among the goals for this target area are economic development, increasing home ownership opportunities, and improving the condition of housing stock in the area."

(5) Paragraph (12) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

"(B) Among the goals for this target area are improving public facilities, increasing homeownership opportunities, enhancing neighborhood retail."

Sec. 3. Applicability.

This act shall apply as of October 29, 2006.

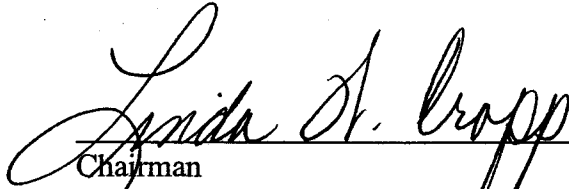
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement for Bill 16-823, the Neighborhood Investment Amendment Temporary Act of 2006 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

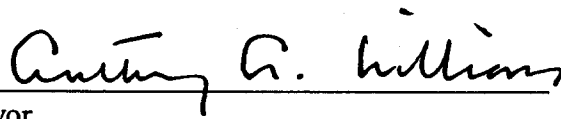
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Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
October 27, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-518

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Anti-Drunk Driving Act of 1982 to revise the presumptions that shall be made based upon the amount of alcohol in a person's blood, urine, or breath while in the operation or physical control of a vehicle; Title 25 of the District of Columbia Official Code to revise the presumptions that shall be made based upon the amount of alcohol in a person's blood, urine, or breath while in the operation or physical control of a vessel or watercraft; the District of Columbia Government Comprehensive Merit Personnel Act of 1978; the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996; the Uniform Classification and Commercial Driver's License Act of 1990; the Motor Vehicle Safety Responsibility Act of the District of Columbia; the District of Columbia Traffic Act, 1925; and the District of Columbia Implied Consent Act to update the formula for determining a person's alcohol concentration as it pertains to the offense of driving while under the influence of liquor to reflect the measurements and ratios used by current technology; and to make conforming amendments to the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Drunk Driving Clarification Second Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended to read as follows:

Note,
§ 50-2205.02

"Sec. 2. Evidence of intoxication.

"If as a result of the operation or the physical control of a vehicle, a person is tried in any court of competent jurisdiction within the District of Columbia for operating or being in physical control of a vehicle while under the influence of intoxicating liquor in violation of section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05(b)), negligent homicide in violation of section 802(a) of An Act To establish a code of law for the District of Columbia, approved June 17, 1935 (49

Stat. 385; D.C. Official Code § 50-2203.01), or manslaughter committed in the operation of a vehicle in violation of section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2105), and in the course of the trial there is received, based upon a chemical test, evidence of alcohol in the defendant's blood, urine, or breath, such evidence:

"(1) Shall, if at the time of testing, defendant's alcohol concentration was 0.05 grams or less per 100 milliliters of blood or per 210 liters of breath or 0.06 grams or less per 100 milliliters of urine, establish a rebuttable presumption that the defendant was not, at the time, under the influence of intoxicating liquor.

"(2) Shall not, if at the time of testing, defendant's alcohol concentration was more than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor."

Sec. 3. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-1004(a) is amended as follows:

Note,
§ 25-1004

(1) Paragraph (1) is amended to read as follows:

"(1) The person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine; or"

(2) Paragraph (2) is repealed.

(b) Section 25-1008 is amended as follows:

Note,
§ 25-1008

(1) In the introductory language, strike the phrase "the following standards shall apply to competent evidence based upon a chemical test:" and insert the phrase "and in the course of the trial there is received, based upon a chemical test, evidence of alcohol in the defendant's blood, urine, or breath, such evidence:"

(2) Paragraphs (1) and (2) are amended to read as follows:

"(1) Shall, if at the time of testing, defendant's alcohol concentration was 0.05 grams or less per 100 milliliters of blood or per 210 liters of breath or 0.06 grams or less per 100 milliliters of urine, establish a rebuttable presumption that the defendant was not, at the time, under the influence of intoxicating liquor.

"(2) Shall not, if at the time of testing, defendant's alcohol concentration was more than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it

ENROLLED ORIGINAL

may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor."

Sec. 4. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 2024 (D.C. Official Code § 1-620.24) is amended by striking the phrase "breath contained .08% or more, by weight, of alcohol" and inserting the phrase "alcohol concentration was 0.08 grams or more per 210 liters of breath" in its place.

Note,
§ 1-620.24

(b) Section 2033 (D.C. Official Code § 1-620.33) is amended by striking the phrase "breath contains .08 percent or more, by weight, of alcohol" and inserting the phrase "alcohol concentration is 0.08 grams or more per 210 liters of breath" in its place.

Note,
§ 1-620.33

Sec. 5. Section 4 of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code § 24-211.23), is amended as follows:

Note,
§ 24-211.23

(a) Subsection (e) is amended by striking the phrase "breath contained .08% or more, by weight, of alcohol" and inserting the phrase "alcohol concentration was 0.08 grams or more per 210 liters of breath" in its place.

(b) Subsection (f) is amended by striking the phrase "1 milliliter of the employee's breath (consisting of substantially alveolar air) contains .38 micrograms or more of alcohol." and inserting the phrase "210 liters of the employee's breath contains 0.08 grams or more of alcohol." in its place.

Sec. 6. Section 7(a)(1) of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-406(a)(1)), is amended by striking the phrase "a blood alcohol concentration at or above 0.04% as established under 12008(f) of the Commercial Motor Vehicle Safety Act (40 U.S.C.S. § 2707(f))." and inserting the phrase "an alcohol concentration of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine." in its place.

Note,
§ 50-406

Sec. 7. Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (69 Stat. 130; D.C. Official Code § 50-1301.37(a)), is amended by striking the phrase "individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of defendant's breath, consisting substantially of alveolar air, or while defendant's urine contains .10% or more, by weight, of alcohol" and inserting the phrase "person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

Note,
§ 50-1307.37

Sec. 8. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

(a) Section 10(b) (D.C. Official Code § 50-2201.05(b)) is amended as follows:

Note,
§ 50-2201.05

(1) Paragraph (1) is amended as follows:

(A) Subparagraph (A) is amended to read as follows:

"(A)(i) No person shall operate or be in physical control of any vehicle in the District:

"(I) When the person's alcohol concentration at the time of testing is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine;

"(II) While under the influence of intoxicating liquor or any drug or any combination thereof; or

"(III) If under 21 years of age, when the person's blood, breath, or urine contains any measurable amount of alcohol.

"(ii) Any person violating any provision of this paragraph upon conviction for the first offense, unless the person has been previously been convicted for a violation of paragraph (2) of this subsection, shall be fined \$300 and may be imprisoned for not more than 90 days. In addition, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for a mandatory minimum period of 5 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory minimum period of 10 days, which mandatory minimum period shall not be suspended by the court."

(B) Subparagraph (B) is amended by striking the sentences "In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional mandatory minimum period of 10 days, or if the level is more than .25%, by weight, of alcohol, for an additional mandatory minimum period of 20 days. The additional mandatory minimum period shall not be suspended by the court." and inserting the sentence "In addition, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional minimum mandatory period of 10 days or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an

additional mandatory minimum period of 20 days; which additional mandatory minimum periods shall not be suspended by the court." in its place.

(C) Subparagraph (C) is amended by striking the sentences "In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional minimum mandatory period of 15 days, or if the level is more than .25%, by weight, of alcohol volume, for an additional mandatory minimum period of 25 days. The additional mandatory minimum period shall not be suspended by the court." and inserting the sentence "In addition, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional minimum mandatory period of 15 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for a mandatory minimum period of 25 days, which additional mandatory minimum periods shall not be suspended by the court." in its place.

(D) Subparagraph (D) is amended by striking the word "individual" wherever it appears and inserting the word "person" in its place.

(2) Paragraph (2) is amended by striking the word "individual" wherever it appears and inserting the word "person" in its place.

Sec. 9. Section 13(a) (D.C. Official Code § 50-1403.01(a)) is amended by striking the phrase "individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol" and inserting the phrase "person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

Note,
§ 50-1403.01

Sec. 10. The District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-1902) is amended as follows:

Note,
§ 50-1902

(1) Subsection (a) is amended by striking the phrase "blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol" and inserting the phrase "alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

(2) Subsection (b) is amended by striking the phrase "blood contains .08% or

more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol" and inserting the phrase "alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

(b) Section 5(a) (D.C. Official Code § 50-1905(a)) is amended by striking the phrase "individual's blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol" and inserting the phrase "person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

Note,
§ 50-1905

(c) Section 6(a)(1) (D.C. Official Code § 50-1906(a)(1)) is amended by striking the phrase "blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol" and inserting the phrase "alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

Note,
§ 50-1906

Sec. 11. Chapter 39 of Title 6 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 3902.2(d) is amended by striking the phrase "breath contains .08 percent or more, by weight, of alcohol" and inserting the phrase "alcohol concentration was 0.08 grams or more per 210 liters of breath" in its place.

(b) Section 3905.4 is amended by striking the phrase "breath contains .08 percent or more, by weight, of alcohol" and inserting the phrase "alcohol concentration was 0.08 grams or more per 210 liters of breath" in its place.

Sec. 12. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Chapter 3 is amended as follows:

(1) Section 301.1(a) is amended by striking the phrase "blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol" and inserting the phrase "alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

(2) Section 303.2(n) is amended by striking the phrase "blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38 micrograms

or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol" and inserting the phrase "alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

(3) Section 306.8 is amended by striking the phrase "blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol" and inserting the phrase "alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

(4) Section 307.4 is amended by striking the phrase "individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains .10% or more, by weight, of alcohol" and inserting the phrase "person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in its place.

(b) Section 1034 of Chapter 10 is amended as follows:

(1) Subsection 1034.1 is amended as follows:

(A) Strike the phrase "blood alcohol content" and insert the phrase "alcohol concentration" in its place.

(B) Add the sentence "These presumptions shall be rebuttable." after the first sentence.

(2) Subsection 1034.2 is amended to read as follows:

"1034.2 If at the time of testing, the operator's alcohol concentration was 0.05 grams or less per 100 milliliters of blood or per 210 liters of breath or 0.06 grams or less per 100 milliliters of urine, this evidence shall establish a presumption that the operator was not, at the time, under the influence of intoxicating liquor."

(3) Subsection 1034.3 is amended to read as follows:

"1034.3 If at the time of testing, the operator's alcohol concentration was more than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, this evidence shall not establish a presumption that the operator was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the operator was under the influence of intoxicating liquor."

(c) Chapter 13 is amended as follows:

(1) Section 1306.1(b) is amended to read as follows:

“(b) Having an alcohol concentration of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine while operating a commercial vehicle;”.

(2) Section 1319.3 is amended by striking the phrase “blood alcohol content was determined to be less than four hundredths of one percent (0.04%).” and inserting “alcohol concentration was determined to be less than 0.04 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.” in its place.

(3) Section 1320.3 is amended to read as follows:

“1320.3 If the person refuses testing in § 1320.1, or submits to a test that discloses an alcohol concentration of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the authorized law enforcement officer who has stopped or detained the driver shall submit a sworn report to the Department of Motor Vehicles certifying that the test was requested pursuant to § 1320.1 and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.”.

(4) Subsection 1399.1 is amended by striking the sentence “Chemical Test - a test of a person's blood urine or breath for the purpose of determining the blood-alcohol-content or blood-drug-content in accordance with D.C. Official Code §§ 50-1902 and 50-1903, except the blood-alcohol-content shall be four hundredths of one percent (0.04%) instead of one tenth percent (0.10%).” and inserting the sentence “Chemical Test - a test of a person's blood, urine, or breath for the purpose of determining the alcohol concentration or blood-drug-content in accordance with D.C. Official Code §§ 50-1902 and 50-1903, except the alcohol concentration shall be 0.04 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine instead of 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.” in its place.

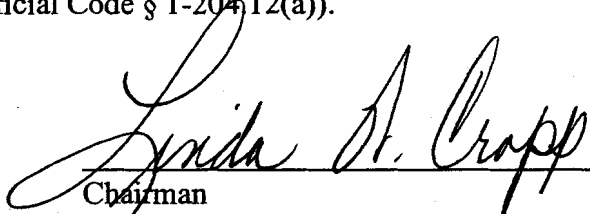
Sec. 13. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

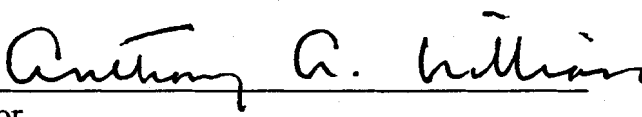
Sec. 14. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
October 27, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-519

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to congressional review, the Metro Bus Funding Requirement Act of 2004 to allow for the purchase of compressed natural gas vehicles or vehicles that meet or exceed current compressed natural gas standards by the Washington Metropolitan Area Transit Authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metro Bus Funding Requirement Congressional Review Emergency Amendment Act of 2006".

Sec. 2. (a) Sections 7062 and 7063 of the Metro Bus Funding Requirement Act of 2004, effective August 2, 2004 (D.C. Law 15-205; 51 DCR 8441), are amended to read as follows:

Note,
§ 9-1111.08

"Sec. 7062.

"It is the position of the District of Columbia government that the Washington Metropolitan Area Transit Authority shall procure Compressed Natural Gas ("CNG") transit buses or other buses that are technically efficient and environmentally friendly and comparable to or better than CNG vehicles.

"Sec. 7063.

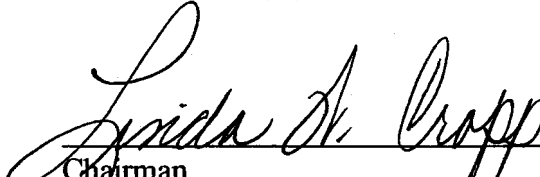
"Beginning in fiscal year 2007, the Mayor shall submit a budget for the Washington Metropolitan Area Transit Authority to the Council of the District of Columbia that authorizes the purchase of CNG buses or buses that are technically efficient and environmentally friendly with emissions that are comparable to or better than CNG vehicles."

Sec. 3. Fiscal impact statement.

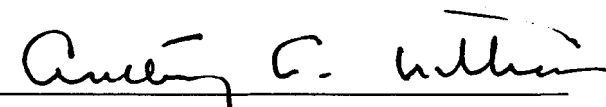
The Council adopts the fiscal impact of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved
October 27, 2006

AN ACT

D.C. ACT 16-520

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Procurement Practices Act of 1985 to exempt procurement of natural gas and electricity from certain requirements of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Procurement of Natural Gas and Electricity Exemption Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (r) to read as follows:

Note,
§ 2-303.20

"(r) Except for section 105a, procurements for natural gas and electricity shall be exempt from all provisions of this act."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer for the Procurement of Natural Gas and Electricity Exemption Temporary Amendment Act of 2006, signed by the Mayor on July 18, 2006 (D.C. Act 16-452; 53 DCR 6497), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Applicability.

This act shall apply as of October 10, 2006.

Sec. 5. Effective date.

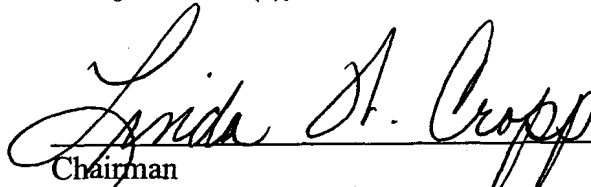
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

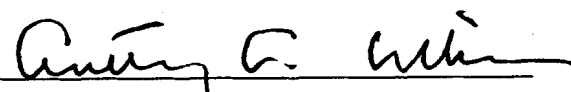
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DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
Approved
October 27, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-521IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 27, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, subchapter II of Chapter 8 of Title 47 of the District of Columbia Official Code to authorize a certain tax exemption in order to facilitate the construction of a mixed-use, predominately residential building with retail in Square 2910, which is bounded by Kansas Avenue, Upshur Street, Georgia Avenue, and Taylor Street in Northwest Washington, D.C., in Ward 4; and to provide an exemption from permit fees and other financial impositions for a certain affordable housing and mixed-use project in Square 2910.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Square 2910 Residential Development Stimulus Congressional Review Emergency Act of 2006".

Sec. 2. Subchapter II of Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-857.07 is amended by adding a new subsection (d) to read as follows:

*Note,
§ 47-857.07*

"(d)(1) Notwithstanding the provisions of § 47-857.02, there shall be allowed an exemption from all of the real property tax imposed by § 47-811 on the property in eligible area #4 owned by the 4100 Georgia Avenue developer and the Mayor shall issue to the 4100 Georgia Avenue developer certification letters stating that the property and buildings are eligible for the exemption and that the Mayor has reserved the exemption for the property and buildings in the allocated amounts; provided, that, with respect to the 4100 Georgia Avenue project:

"(A) The first level of concrete shall be laid by December 31, 2007;

"(B) A certificate of occupancy for the building shall have been issued within 36 months after the first level of concrete has been laid for the building; and

"(C) The building satisfies the provisions of § 47-857.06(a)(2), (3), and (4).

"(2) For each deadline set forth in paragraph (1) of this subsection, one 6-month extension may be granted at the discretion of the Mayor.

"(3) The tax exemption allowed by this subsection shall be included in and subject to the annual \$3.5 million abatement limit set forth in § 47-857.09(c).

"(4) The tax exemption allowed by this subsection for eligible area #4 shall expire when the tax exemption allowed for eligible area #4 has cumulatively amounted to \$3.3 million.

"(5) For the purposes of this subsection, the term:

“(A) “4100 Georgia Avenue developer” means the person (or any successor in interest) who will develop or has developed a residential property on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910, and any subsequent owner or assignee of or successor in interest to the 4100 Georgia Avenue project. The term “4100 Georgia Avenue developer” shall not include any owner or operator of the first-floor commercial space, if such first-floor commercial space is sold as a condominium to an entity or person other than the 4100 Georgia Avenue developer.

“(B) “4100 Georgia Avenue project” means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910, consisting of affordable housing and first-floor retail space.”.

(b) Section 47-857.01(2) is amended by adding a new paragraph (4A) to read as follows:

Note,
§ 47-857.01

“(4A) “Eligible Area #4” means all real property in Square 2910 fronting on Georgia Avenue, N.W., Taylor Street, N.W., or Kansas Avenue, N.W.”.

(c) Section 47-857.02(b) is amended as follows:

Note,
§ 47-857.02

(1) Paragraph (2) is amended by striking the word “or” at the end.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (4) is added to read as follows:

“(4) December 31, 2008, if the property is located in eligible area #4.”.

(d) Section 47-857.09(c) is amended to read as follows:

Note,
§ 47-857.09

“(c) The Mayor may approve up to \$3.5 million in annual tax abatements under §§ 47-857.07 and 47-857.08; provided that \$500,000 of such money shall be reserved for properties in eligible area #4.”.

Sec. 3. Financial imposition exemption for the 4100 Georgia Avenue, N.W., project.

(a) Notwithstanding any other provisions of law, no fees shall be charged to the 4100 Georgia Avenue developer or any other owners or developers of the 4100 Georgia Avenue project for any permits related to the construction of the 4100 Georgia Avenue project, including private space or public permit fees or building permit fees (involving vault space rental).

(b) For the purposes of this section, the term:

(1) “4100 Georgia Avenue developer” means the person (or any successor in interest) who will develop or has developed a residential property on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910.

(2) “4100 Georgia Avenue project” means the project constructed on Lots 35 and 803 (and any subsequent subdivision or division of those lots) and the alley between them in Square 2910, consisting of affordable housing and first-floor retail space.

Sec. 4. Inclusion in the budget and financial plan.

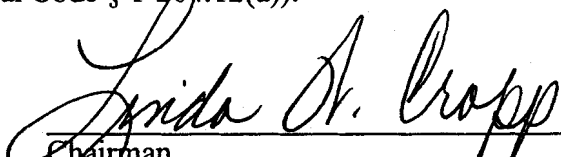
This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

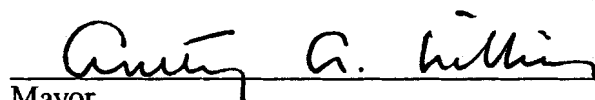
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
Approved
October 27, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-522

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 27, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Winter
Supp.

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Publisher

To amend, on an emergency basis, due to Congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to include limited grant-making authority among the duties and powers of the Director of the Child and Family Services Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Family Services Grant-making Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended by adding a new paragraph (3A) to read as follows:

*Note,
§ 4-1303.03*

"(3A) To issue grants to community and neighborhood-based groups for programs that deliver prevention and intervention services;"

Sec. 3. Applicability.

This act shall apply as of October 19, 2006.

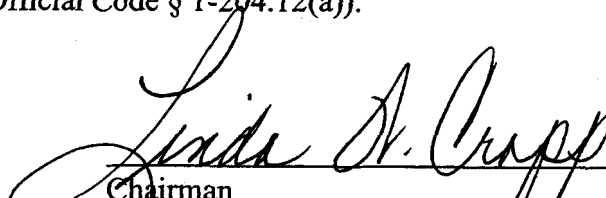
Sec. 4. Fiscal impact statement.

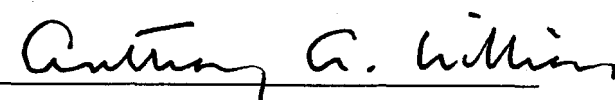
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
Approved
October 27, 2006

AN ACT
D.C. ACT 16-523

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 27, 2006

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2006 Winter
Supp.

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Publisher

To authorize the Mayor to enter into one or more franchise agreements to allow a telecommunications carrier to attach wireless network antennae to District-owned buildings and poles in return for services to digitally-disadvantaged residents of the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Digital Inclusion Act of 2006".

Sec. 2. Findings and purposes.

(a) The Council finds that:

(1) Low-income residents and residents in economically disadvantaged areas of the District of Columbia are also likely to be digitally-disadvantaged in that they cannot afford access to the Internet or may lack the computer equipment and training necessary to benefit meaningfully from Internet access.

(2) Certain assets of the District, including light poles and buildings, may provide value to telecommunications carriers for the attachment of wireless network antennae and the deployment of broadband internet services.

(3) The District government does not have the funds to provide to digitally-disadvantaged residents the range of services necessary to afford Internet access and permit them to benefit meaningfully from that Internet access.

(4) By awarding one or more franchises that permit a telecommunications carrier to use District-owned assets such as buildings and poles on a nonexclusive basis in return for the provision of certain services to digitally-disadvantaged residents, the District government can meet the Internet access needs of these residents without additional cost or risk to the District.

(b) The purposes of this act are to:

(1) Obtain value for the District through the awarding of rights to use poles, buildings, and other assets of the District for telecommunications purposes; and

(2) Provide for the furnishing of benefits to digitally-disadvantaged residents of the District in exchange for a franchise to use poles, buildings, and other assets of the District for Internet-related telecommunications purposes.

Sec. 3. Definitions.

For purposes of this act, the term:

- (1) "Backhaul" means the transmission of voice and data traffic from the wireless network to a wireline network infrastructure.
- (2) "Census tracts" means geographical areas defined by median household income according to the most recent census for the District of Columbia published by the United States Bureau of the Census.
- (3) "Connectivity" means connection from a home to a telecommunications provider's network.
- (4) "DC-Net" means the District government's telecommunications service network and information technology infrastructure.
- (5) "Digitally-disadvantaged areas" means census tracts in the District of Columbia with median income below the median income in the District as a whole.
- (6) "Digitally-disadvantaged population" means low-income residents of the District of Columbia.
- (7) "Digitally-disadvantaged residents" means residents of digitally-disadvantaged areas.
- (8) "Digitally-disadvantaged resident household" means all digitally-disadvantaged residents residing at a fixed single-family address in the District of Columbia that define themselves as a family unit.
- (9) "District telecommunications assets" means nonexclusive access to District-owned pole-mounted street light fixtures and buildings and backhaul on DC-Net from selected District locations to carrier hotel at 1275 K Street N.W., Washington, D.C., for Internet-related services.
- (10) "Franchisee" means a person or entity that enters into a franchise agreement pursuant to a successful bid and award.
- (11) "Low-income resident" means any District of Columbia resident whose income meets the eligibility standards for reduced price meals according to the Eligibility Guidelines for Free and Reduced Price Meals for the National School Lunch Program, as established annually pursuant to sections 9(b)(1) and 17(c)(4) of AN ACT To provide assistance to the States in the establishment, maintenance, operation, and expansion of school lunch programs, and for other purposes, approved June 4, 1946 (60 Stat. 233; 42 U.S.C. §§ 1758(b)(1) and 1766(c)(4)), and sections 3(a)(6) and 4(e)(1)(A) of the Child Nutrition Act of 1966, approved October 11, 1966 (80 Stat. 885; 42 U.S.C. §§ 1772 (a)(6) and 1773(e)(1)(A)).
- (12) "OCTO" means Office of the Chief Technology Officer.
- (13) "Package of services for digitally-disadvantaged residents" means some combination of connectivity, computers, software, computer training, support, and Internet service provider services.
- (14) "RFI" means a request for information.
- (15) "RFP" means a request for proposals.

Sec. 4. Franchise agreement.

(a) The Mayor shall, within 30 days of the effective date of this act, issue an RFI to be followed by an RFP pursuant to the requirements of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), for a franchise agreement for the use of District telecommunications assets for telecommunications purposes in exchange for the furnishing of a package of services for digitally-disadvantaged residents. Upon an award, the Mayor shall enter into a franchise agreement with the franchisee.

(b) The franchise agreement shall be a nonexclusive agreement in the District for private use of District telecommunications assets for telecommunications purposes in furtherance of the purposes of this act for Internet-related telecommunications purposes.

(c) The franchise agreement shall be for a period not to exceed 5 years. One year prior to the termination of a franchise agreement, each party shall notify the other, in writing, as to whether it wants to renegotiate the franchise agreement for an additional period of time. Absent satisfactory renegotiation for a renewal period, the Mayor shall, based upon an evaluation of the bids received following the issuance of an RFP, enter into a new franchise agreement for the use of District telecommunications assets in exchange for the furnishing of a package of services for digitally-disadvantaged residents. The terms of a new franchise agreement shall not be inconsistent with the provisions of this act.

(d) Under the terms of a franchise agreement, the franchisee shall be responsible for:

(1) Offering to each digitally-disadvantaged household specified in the franchise agreement the complete package of services for digitally-disadvantaged residents at no cost to the household;

(2) Providing to each digitally-disadvantaged resident household that accepts the offer the complete package of services for digitally-disadvantaged residents at no cost to the household;

(3) Providing the package of services for digitally-disadvantaged residents according to a time schedule established in the franchise agreement;

(4) Reporting to the Mayor, no less often than quarterly the number of:

(A) The number of digitally-disadvantaged households to which the franchisee has offered the package of services for digitally-disadvantaged residents;

(B) The number of digitally-disadvantaged resident households that have accepted the franchisee's offer of that package of services for digitally-disadvantaged residents, and

(C) The number of digitally-disadvantaged resident households to which the franchisee has provided the package of services for digitally-disadvantaged residents by the dates specified in the schedule established in the franchise agreement;

(5) Maintaining records, which shall be available to the Mayor on request, sufficient to identify:

- (A) All digitally-disadvantaged resident households to which the franchise has offered the package of services for digitally-disadvantaged residents;
 - (B) All digitally-disadvantaged resident households that have accepted the franchisee's offer of the package of services for digitally-disadvantaged residents;
 - (C)(i) All digitally-disadvantaged resident households to which the franchisee has provided the package of services for digitally-disadvantaged residents; and
 - (ii) The date on which each digitally-disadvantaged resident household received that package of services for digitally-disadvantaged residents;
 - (D)(i) All complaints received by the franchisee in connection with offering and providing the package of services for digitally-disadvantaged residents; and
 - (ii) The manner and date of resolution of each complaint;
 - (6) All costs and expenses of the activities described in paragraphs (1) through (4) of this subsection; and
 - (7) All costs and expenses incident to the franchisee's use of District telecommunications assets as defined in this act.
- (e) The franchise agreement shall establish:
- (1) The specific population of digitally-disadvantaged residents (by income level, residence in digitally-disadvantaged areas, or both) to which the franchisee agrees to offer the package of services for digitally-disadvantaged residents to each digitally-disadvantaged resident household;
 - (2) The schedule according to which the franchisee will provide the package of services for digitally-disadvantaged residents to the digitally-disadvantaged resident households to be served pursuant to the franchise agreement;
 - (3) Procedures for periodically upgrading hardware provided as part of any package of services to digitally-disadvantaged resident households during the course of the franchise agreement;
 - (4) That the franchisee shall be subject to fees, payable to the Treasurer of the District of Columbia, for failure to adhere to the schedule described in subsection (d)(3) of this section and paragraph (2) of this subsection;
 - (5) That prior to signing the franchise agreement, the Mayor and the franchisee shall define the franchisee's specific use of District telecommunications assets; and
 - (6)(i) That upon the expiration of the franchise agreement, or upon the expiration of a renewal term, all computers, peripherals, and other items furnished by the franchisee to any household pursuant to the franchise agreement shall remain the property of the household; and
 - (ii) That no person who received any item or service that is part of the package of services for digitally-disadvantaged residents shall be liable for any fee or charge for such item or service.
- (f) The Mayor shall include in the franchise agreement the requirements of this act and any other provisions that the Mayor considers appropriate to carry out the purposes of this act.
- (g) Pursuant to the requirements of section 451 of the District of Columbia Home Rule

Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.51), the franchise agreement shall be subject to approval by the Council.

Sec. 5. Insurance and bonds; liability.

(a) The franchisee shall assume all legal responsibility for, and shall hold the District harmless from, any costs or liability that arise because of injury to persons or property caused by, or in relation, to the provision of the package of services for digitally-disadvantaged residents or the franchisee's use of District telecommunications assets pursuant to this act and the franchise agreement.

(b) The Mayor shall require the franchisee to obtain liability insurance sufficient to insure against all liability or costs that arise because of injury to persons or property caused by, or in relation to, the provision of the package of services for digitally-disadvantaged residents and the franchisee's use of District telecommunications assets pursuant to this act and the franchise agreement.

(c) The Mayor shall require the franchisee to obtain a performance bond sufficient to guarantee the provision of the package of services for digitally-disadvantaged residents pursuant to this act and the franchise agreement.

(d) No person aggrieved or damaged in any way by any act or omission of the franchisee related to the offering or provision of the package of services for digitally-disadvantaged residents or the franchisee's use of District telecommunications assets pursuant to this act and the franchise agreement shall have a cause of action against the District.

Sec. 6. Selection of the franchisee.

(a) In evaluating and awarding the franchise agreement, the Mayor shall give priority to entities that have the technical and financial ability to successfully provide the package of services for digitally-disadvantaged residents included in each proposal and provide written evidence that they meet the following criteria in the following order of priority:

(1) A proposal to provide a package of services for the largest number of digitally-disadvantaged residents, by income level, or residence in digitally-disadvantaged areas, or both;

(2) A proposal to provide a package of services to digitally-disadvantaged residents according to the fastest schedule;

(3) A proposal that includes provisions to periodically upgrade hardware provided as part of any package of services to digitally-disadvantaged residents;

(4) Such other factors as the Mayor may identify in the best interests of the District to further the purposes of this act.

Sec. 7. Termination of the franchise agreement.

(a) The Mayor shall notify the franchisee in writing of any violations of the franchise agreement and shall establish a compliance schedule for correcting the violations. If the

compliance schedule is not met, the Mayor may terminate the franchise agreement after 60 days' written notice to the franchisee of the intent to terminate the franchise agreement, setting forth the reasons for the termination.

(b) In the event of bankruptcy of the franchisee, the Mayor shall terminate the franchise agreement and provide the franchisee written notice of this action.

(c) In addition to the grounds for termination of the franchise agreement under subsections (a) and (b) of this section, the Mayor may include in the franchise agreement any other terms and conditions that shall constitute the basis for cancellation that are in the best interests of the District.

Sec. 8. Franchisee selection procedures.

Notwithstanding provisions of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301 *et seq.*), to the contrary, except the protest and dispute provisions over which the Contract Appeals Board shall maintain jurisdiction, the Mayor shall implement the following franchise selection procedure in awarding one or more franchises pursuant to this act:

- (1) Request for information;
- (2) Evaluation of the RFI received and preparation of the RFP;
- (3) Issuance of the RFP and evaluation of proposals received;
- (4) Submission of an executive summary, including findings and determination that selection of one or more franchisees will provide the greatest benefit to the largest population of digitally-disadvantaged residents of the District of Columbia, including a rationale for limiting the franchise award to one entity or extending franchises to more than one entity, to the Council by the Mayor;
- (5) Council review and approval of the proposed franchise agreement; and
- (6) Execution of franchise agreement.

Sec. 9. Delegation of authority.

The Mayor may delegate the powers established by this act to OCTO. In exercising this authority, OCTO may consult with such other agencies as it considers appropriate in the best interests of the District.

Sec. 10. Human Rights Act compliance.

Each franchise agreement shall comply with the District of Columbia Human Rights Act, effective Dec. 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.67).

Sec. 11. Not a franchise agreement.

This act shall not constitute, or be construed to comprise, a franchise agreement.

Sec. 12. Severability.

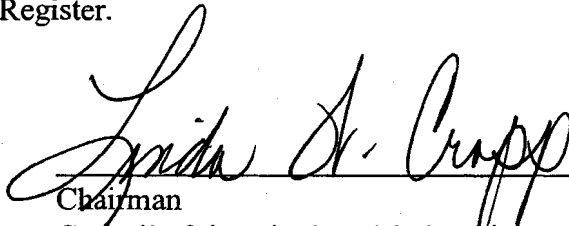
If a provision of this act or its application to a particular person or circumstance is held invalid, such invalidity does not affect other persons or applications.

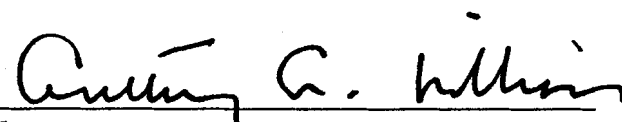
Sec. 13. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 14. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
Approved
October 27, 2006